

CIVIL GOVERNMENT
OF
IOWA

AND THE

UNITED STATES

— BY —

N. ROSENBERGER

— AND —

R. C. OSTRANDER



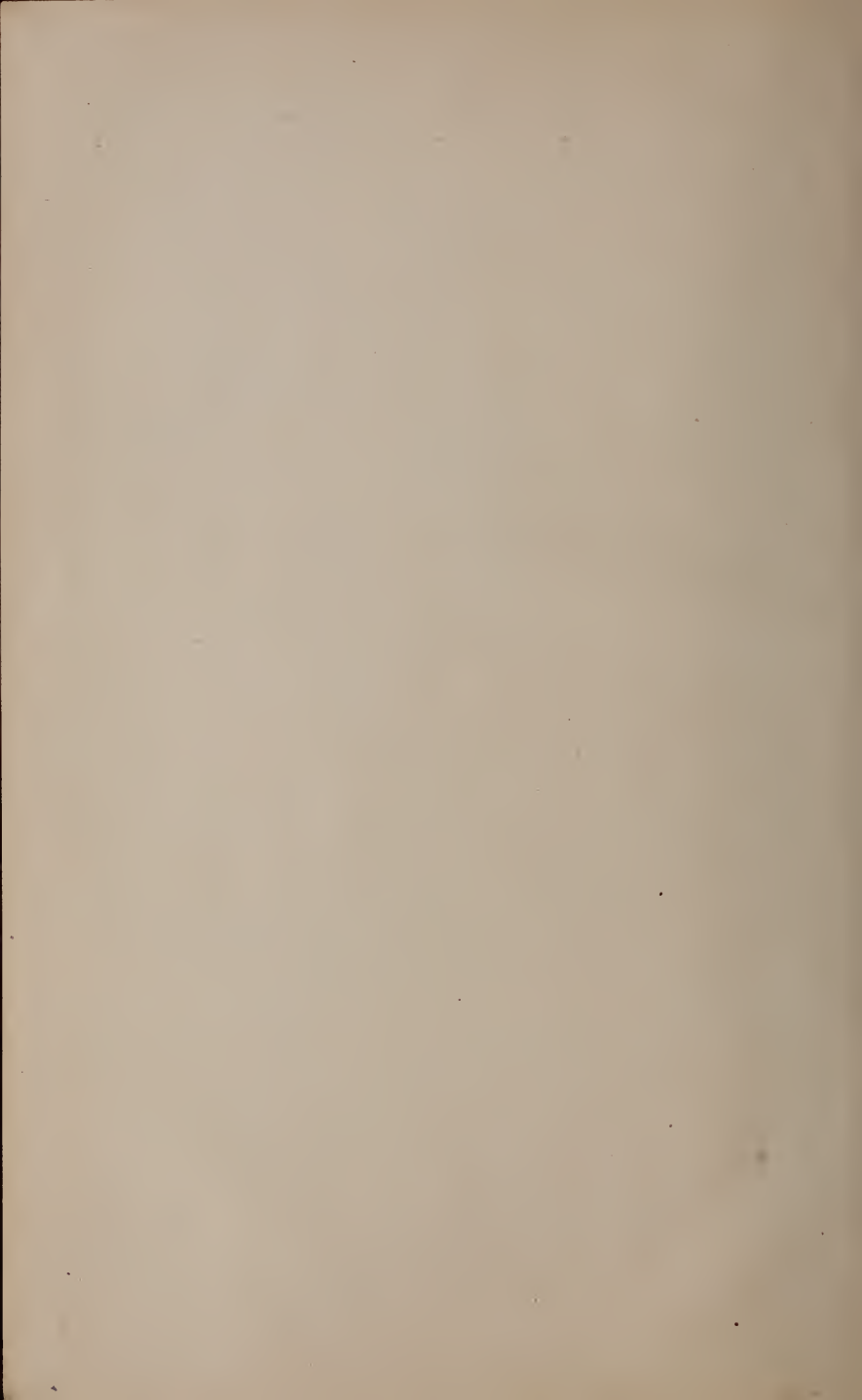
LIBRARY OF CONGRESS.

Chap. Copyright No.

Shelf JK 6325
1886

UNITED STATES OF AMERICA.

R7



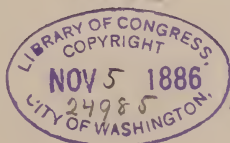
CIVIL GOVERNMENT
OF
IOWA
AND
THE UNITED STATES.

PART I TO PAGE 204.
PART II FROM PAGE 204.

25.7
5131

200
By H. Rosen-
berger and
Chicago. Publisher C.
Ostrander

GEO. SHERWOOD & CO.



J156325
1886
R7

COPYRIGHT, 1886,
By GEO. SHERWOOD & CO.

PREFACE.

In a representative form of government, the intelligence of the masses is the surest guarantee of order, stability and peace. These conditions present, under such a form of government we may confidently expect the highest degree of individual and National progress and prosperity. That which is true of the Nation in that respect is true of the State. Of all that goes to make up the intelligence of the masses, a knowledge of the practical workings of our civil government is the substance of it all. The object of the present work is to place within the reach of the youth of Iowa such a knowledge of its civil government. The purpose has chiefly been to deal with the essentials and leave the acquirement of matters in detail to the investigation and experience of riper years.

It is only the teacher who is thoroughly alive to his work, and equally master of the subject, that can make the study of this branch most attractive and successful. It is impossible in a work of this kind to preserve accuracy and yet make all the statements plain, simple, and easy to be understood by the pupil. And herein is the great necessity for explanations and illustrations on the part of the teacher.

Also, many things must be inserted in order to make the work complete which the pupil should carefully read but no attempt should be made to commit them. The teacher who is careful in the preparation of the lessons will avoid any unnecessary work in

this direction on the part of the pupils. By skillful management, this study of Civil Government may be made delightful and interesting to the boys and girls in the common schools, and to the older pupils of the academies and high schools. The greatest good will be secured by making the class exercise one of familiar conversation and discussion instead of following the old fashioned question and answer method of recitation.

Division V is intended rather for general information and reference on the political status of the State than for study and recitation by the pupil.

In the preparation of this work, I have been greatly assisted by the aid and suggestions of Rollin J. Wilson, Esq., of the Fairfield Bar.

MUSCATINE, IOWA.

December 29th, 1884.

TABLE OF CONTENTS.

LESSON I.

	Page.
Origin of the Federal Government.....	15

LESSON II.

Relations Existing Between the Federal and State Governments..	18
Relations Existing Between the States	19
Local Self Government.....	19

LESSON III.

Iowa Before Becoming a State.....	20
-----------------------------------	----

LESSON IV.

State Organization.....	25
-------------------------	----

LESSON V.

Bill of Rights.....	29
---------------------	----

LESSON VI.

An Outline of the Civil Government of Iowa.....	35,	36
Distribution of Powers.....		36
State		37

LESSON VII.

Legislative Department.....	39
The General Assembly.....	39

LESSON VIII.

Provisions Common to Both Houses.....	44
---------------------------------------	----

LESSON IX.

	Page.
General Provisions	49

LESSON X.

Executive Department	54
Governor	54

LESSON XI.

Executive Department—Continued	58
Governor—Continued	58
Lieutenant Governor	63

LESSON XII.

Executive Department—Continued	64
Secretary of State	64
Auditor of State	66
State Treasurer	67
Superintendent of Public Instruction	67

LESSON XIII.

Executive Department—Continued	69
Officers Appointed by the Governor	69

LESSON XIV.

Executive Department—Continued	73
Officers Appointed by the Governor—Continued	73
General Provisions	75
The Executive Council	75

LESSON XV.

Judicial Department	78
The Supreme Court	78

TABLE OF CONTENTS.

11

	Page.
Officers of this Court	79
Attorney General	79
Clerk of the Supreme Court.....	80
Reporter of the Supreme Court	80

LESSON XVI.

Judicial Department—Continued.....	82
District Court.....	82
Provisions Relating to the District Court.....	83
Provisions Relating to Judges of all the Courts	83

LESSON XVII.

Judicial Department—Continued.....	85
Officers of this Court.....	85
County Attorney.....	85
Clerk.....	86
Short Hand Reporter.....	86
Sheriff	87

LESSON XVIII.

The Jury System	87
Reference Table	92
Annual Salaries of Officers.....	92

LESSON XIX.

Civil Government of the County	93
County	93
Legislative	94
Board of Supervisors.....	94
Executive	95
Board of Supervisors	95

LESSON XX.

	P ge.
Civil Government of the County—Continued.....	97
Board of Supervisors—Continued	97
County Treasurer.....	98
County Auditor.....	100
County Superintendent.....	101

LESSON XXI.

Civil Government of the County—Continued.....	102
County Clerk.....	102
Sheriff of the County.....	103
County Recorder.....	104
County Attorney.....	104
County Surveyor	104
Coroner	105

LESSON XXII.

Civil Government of the County—Continued.....	106
Officers Appointed	106
Commissioners of Insanity.....	106
General Provisions	107
Judicial Department	108

LESSON XXIII.

Civil Government of the Township.....	110
Township	110
Legislative	111
Township Trustees.....	111
School Board	111
Executive	112
Township Trustees.....	112
Township Clerk.....	112

LESSON XXIV.

	Page.
Civil Government of the Township—Continued	113
Executive Officers—Continued	113
Township Assessor	113
Constable	114
Road Supervisor	114
School Officers	115, 118

LESSON XXV.

Civil Government of the Township—Continued	119
School Officers—Continued	119
Sub-Director	119
Teacher	120
General Provisions	120
Judicial	121
Justices of the Peace	121

LESSON XXVI.

Civil Government of Cities and Towns	123
Cities and Towns	123
Legislative	124
City or Town Council	124
General Provisions	125

LESSON XXVII.

Civil Government of Cities and Towns—Continued	127
Executive	127
Mayor	127
Assessor	127
Marshal	128
Treasurer	128
Clerk or Recorder	128
Other Officers	129
Judicial Department	129
Mayor's Court	129
Police Court	130
Superior Court	130

LESSON XXVIII.

System of Surveys.....	131,	Page 135
------------------------	------	-------------

LESSON XXIX.

State Institutions.....	137
State University	137
Agricultural College and Farm.....	139
State Normal School	140

LESSON XXX.

State Institutions—Continued	142
Institute for the Deaf and Dumb	142
College for the Blind.....	143
Soldiers' Orphans' Home	144
Hospitals for the Insane	145

LESSON XXXI.

State Institutions—Continued	147
Asylum for Feeble-Minded Children	147
Industrial School.....	148
Penitentiaries	149
Iowa Soldiers' Home	150
Bonds of the Treasurers of State Institutions	151

LESSON XXXII.

Miscellaneous Information.....	153
Iowa's Governors	153
Iowa's Representatives in the Congress of the United States....	153
Judges of the Supreme Court.....	155

LESSON XXXIII.

Miscellaneous Information—Continued	156
Iowa's Senators.....	156
The Electoral College	157
General Questions	160
Constitution of the State	165
Constitution of the United States.....	184

CIVIL GOVERNMENT OF IOWA.

DIVISION ONE.

LESSON I.

ORIGIN OF THE FEDERAL GOVERNMENT.

1. The early settlers of this country were earnest in their desire for local self-government. Local Self - Gov - ernment. However, they soon found that something more powerful was needed. A union which lasted for forty years was effected as early as 1643. It was known as the "United Colonies of New England." Its object was mutual protection to the colonists. Other such unions were formed, for in them were both strength and safety.

2. And it is no wonder when British oppression became so great, and a more centralized government was needed, that delegates from all the colonies but one assembled at the call of Massachusetts, and, as the First Continental Congress, issued that memorable Bill of Rights ; and, subsequently, as the Second Continental Congress, adopted the Articles of Confederation. Need of Stronger Government. With this instrument, however weak it may have been, the colonists, "united by the ties of common interest, by the sense of common danger, and by the necessities of a common cause," freed themselves from the oppressions of the most powerful nation in the world.

3. At the close of the Revolutionary War, each State was sovereign and independent. They were all united into one nation by the Articles of Confederation. Under these Articles, Congress could declare war, but had no power to force a single soldier into the field to defend the country ; it could make treaties but had no power to enforce them. The soldiers demanded pay for their services on the field, but Congress had not a dollar for them, nor power to levy taxes; commerce was destroyed, but Congress could take no measures to build it up; some of the colonies became embittered against each other, but, since they were sovereign and independent, Congress had no control over them. In fact, while Congress could *declare* almost everything, it could *enforce* nothing. It had no coercive power. Its laws were without penal sanction. And thus this league of the colonies, this confederation of states, had given birth neither to common country, flag, nor citizenship.

4. Such a government with no more than a shadow of sovereignty could not long exist. The result was easily foretold. The Federal authority so weak, not respected abroad, an object of jealousy at home, the states even jealous of one another and fast becoming rivals; one could scarcely mistake the result which must follow. Before, they had fought shoulder to shoulder through the desperate struggle; they had vied with each other on the bloodiest field; but no longer "threatened by a common danger and a common enemy and united by a common cause," they were menaced by the deadliest of foes—an enemy at home. The statesmen saw the impending fate, this "perpetual

union between the states" broken—thirteen petty republics instead of one grand nation.

5. It was a time of general depression. Some even proposed to make General Washington king, but he wisely spurned the proposition. Virginia was the first to act, and requested the colonies to call a convention to revise the Articles of Confederation. Delegates met at Philadelphia for this purpose, but soon found it best to drop the revision and adopt an entirely new constitution. This assembly, known as the Constitutional Convention of 1787, was one of the wisest bodies of which history gives us any account. After months of earnest debate the present instrument was agreed upon, and finally ratified by all the colonies. George Washington was elected President, and took the oath of office April 30th, 1789. This was the beginning of the Federal Government of the United States.

6. The Constitution is the supreme law of the land. In the main it secures the rights of each citizen, and at the same time points out his duties. No statute enacted by any legislative body, in violation of the Constitution, can be enforced.

Our present Constitution Defined.

QUESTIONS.

1. State what is said about local self-government.
2. What union was formed?
3. Why was such union necessary?
4. What of other such unions?
5. What did the First Continental Congress do?
6. The Second?
7. State what is said about the colonists freeing themselves.

8. What were the defects of the Articles of Confederation?

9. State fully why the government failed under these Articles.

10. State all that is said about the formation and adoption of our present Federal Constitution.

11. What is the Constitution?

LESSON II.

RELATIONS EXISTING BETWEEN THE FEDERAL AND STATE GOVERNMENT.

7. The Federal Government has such powers and only
Federal Power. such as are delegated to it by the Constitution of the United States. These powers are either enumerated in the Constitution or arise from necessary implication from its terms. This is the general rule that is adhered to in cases where it is required to determine whether the authority to do a certain thing belongs to the United States or to the State. No human intellect could possibly have determined every means which the National Government must adopt in the proper administration of these powers. So, in the interpretation of that instrument the following principle is constantly kept in view. A power conferred implies the right to adopt measures necessary for its effective execution.

8. The State has any power not prohibited from it
Power of the State. by the Federal Constitution. Powers not enumerated are delegated to the State. This reservation was made to prohibit the Federal Gov-

ernment from assuming powers other than those enumerated as belonging to it. The people were jealous of Congress. There was great fear that the National Government would increase her strength at the expense of the states.

Relations Existing Between the States.

9. While to a certain extent, the states are subject to the Federal Government, yet in the administration of affairs which are properly their own, they are sovereigns, and in their relations to each other they are independent. Just as friendly neighbors assist each other, so does one State extend mutual aid to other states. But in no sense is one subject to the other.

Sovereign; Independent.

Local Self-Government.

10. The local self-government which the colonists so strongly desired in the settlement of this country was recognized in framing the Constitution, and forms the leading feature in the administration of the State governments. Here the people are closely connected with all political affairs and form "the power behind the throne." Kings they are indeed. It is true that changes in the Constitution are not frequent, and that this instrument can be altered only by certain regulations. But every department of the government is closely connected with the interests of the people; the officers are frequently changed; if certain laws are demanded a General Assembly may be chosen which will enact them; if reform is necessary, it may be effected by the voters at the ballot box.

Power of the People.

11. But local self-government is fully secured by the division of the State into counties, townships, cities and towns. In the adminis-

The Fullest Local Self-Government.

tration of these local affairs, the people should take the greatest interest and see that men elected to office are well qualified for the positions which are to be filled; men who will execute the laws to the best of their ability.

QUESTIONS.

1. What powers has the Federal Government?
2. How do we determine what these powers are?
3. In what case is this rule observed?
4. Could the means which the National Government must adopt be determined at that time?
5. What principle is kept in view?
6. What power has the State?
7. Why was this reservation made?
8. What relations exist between the states?
9. Is one subject to the other?
10. What forms the leading feature in the administration of the State government?
11. What relations exist between the people and local political affairs?
12. What of changes in the Constitution?
13. How may changes and reforms be effected?
14. How is local self-government fully secured?
15. Why should the people take great interest in local affairs?

LESSON III.

IOWA BEFORE BECOMING A STATE.

12. French missionaries in sailing down the Father of Waters, in 1673, discovered the region of which Iowa forms a part. Hence, by
- Early Discoveries.

right of discovery, the French Government claimed this region. In 1763, she ceded all her possessions west of the Mississippi to Spain. In the year 1800, after Napoleon had overthrown the government of France and taken control of affairs, it came again into the possession of the French.

13. In the year 1803, almost at the beginning of Thomas Jefferson's administration, the Louisiana Purchase. United States bought from France that vast territory known as the Louisiana Purchase, of which Iowa formed a part. It contained over a million square miles, and was a remarkably cheap purchase, costing the Government fifteen million dollars, or less than two and a half cents per acre. It included all the territory* west of the Mississippi to the Rocky Mountains, and extended from New Mexico to the British Possessions on the north. Out of it have been carved five states and four territories, and parts of three states and three territories.

14. In 1788, a Frenchman named Dubuque obtained Early Settlements. from the Foxes a lease of land for mining purposes. Lead had been discovered along the Mississippi in the region where Dubuque now stands. Here was Dubuque's claim, which included almost all the lead-producing lands in that vicinity; it covered an area of a hundred and twenty thousand acres or

*Our best historians differ as to the extent of the territory contained in this purchase. Some claim that it includes nearly all the region between the Mississippi and the Pacific Ocean; while others believe that it extends no further west than to the Rocky Mountains. On this point Mr. Greenhow makes the following statement: "In the absence of all light on the subject from history, we are forced to regard the boundaries indicated by nature, namely, the highlands separating the waters of the Mississippi from those flowing into the Pacific, as the true western boundaries of the Louisiana ceded to the United States by France in 1803."

more, and was commonly known as the "Dubuque Lead Mines."

1. In 1795, Basil Giard obtained a grant of five thousand eight hundred and sixty acres in what is now Clayton County. He occupied it for many years and finally received a patent for it from the Federal Government.

Basil Giard.

2. Honori, in 1799, obtained a grant of land where the town of Montrose now stands and took immediate possession, retaining it till 1805.

Honori.

3. Prior to the purchase of this territory by the United States, a fur trader had a trading post close to the present site of Burlington. In 1820, another post was established at Sandusky.

Traders.

4. The first settler in Lee County was Dr. Muir, a surgeon in the United States army. In 1830, two brothers by the name of Langworthy settled in the lead mining business near Dubuque. These brothers, with a few others, were forced by the Government to withdraw from their claims because they were on territory belonging to the Indians. But after a treaty had been entered into, they returned, and made the first permanent settlement in that part of Iowa on June 1st, 1833. Not a few others could be named who settled in the counties along the Mississippi, in the "far west," and underwent all the hardships that those must undergo who march to the front in the progress of civilization.

Dr. Muir. Others.

15. Many settlers pushed across the Mississippi and found homes in the new country. Several treaties were made with the Indians. Among those most noted was one with Black Hawk for about six million acres of land. Another, was with the

Treaties.

Sacs and Foxes, in which the Indians made a reservation of more than a hundred thousand acres for the half-breeds. This reservation was a source of constant trouble to the Government. In 1842, another treaty was made by which the Government should obtain possession of this tract on the first day of May, 1843.* Settlers were prevented from entering the reservation prior to that date; the land still belonging to the Government, and was unsurveyed. But hundreds of families encamped along the line waiting for the last hour to

* These tribes at this time had their principal village at Ottumwa-no, now called Ottumwa. As soon as it became known that the treaty had been concluded, there was a rush of immigration to Iowa, and a great number of temporary settlements were made, near the Indian boundary, waiting for the first day of May. As the day approached, hundreds of families encamped along the line, and their tents and wagons gave the scene the appearance of a military expedition. The country beyond had been thoroughly explored, but the United States military authorities had prevented any settlements or even the marking out of claims by any monuments whatever.

To aid them in marking out their claims when the hour should arrive, the settlers had placed piles of dry wood on the rising ground, at convenient distances, and a short time before twelve o'clock on the night of the 30th of April, these were lighted, and when the midnight hour arrived, it was announced by the discharge of firearms. The night was dark, but this army of occupation pressed forward, torch in hand, with axe and hatchet blazing lines with all manner of curves and angles. When daylight came and revealed the confusion of the wonderful surveys, numerous disputes arose, settled generally by compromise, but sometimes by violence. Between midnight of the 30th of April and sundown of the 1st of May, over one thousand families had settled on their new purchase.

While this scene was transpiring, the retreating Indians were enacting one more impressive and melancholy. The winter of 1842-43 was one of unusual severity, and the Indian prophet, who had disapproved of the treaty, attributed the severity of the winter to the anger of the Great Spirit, because they had sold their country. Many religious rites were performed to atone for the crime. When the time for leaving Ottumwa-no arrived, a solemn silence pervaded the Indian camp, and the faces of their stoutest men were bathed in tears; and when their cavalcade was put in motion toward the setting sun, there was a spontaneous outburst of frantic grief from the entire procession.—Judge Nourse's Centennial Address.

expire, that they might enter first and choose their claims.

16. It was not long till a temporary government was established over this new possession.

Government.

When the purchase was divided into the Territory of Orleans and the District of Louisiana, Iowa belonged to the latter. The District was soon placed under the jurisdiction of the Territory of Indiana, and early in the year 1805, it was made the Territory of Louisiana with a government of its own. This went into effect on July 4th. of that year. In 1807, Iowa was included in the Territory of Illinois; in 1812, in the Territory of Missouri; from the admission of Missouri as a State, it was a "political orphan" until 1834, when it became a part of the Territory of Michigan; in 1836, it was included in the Territory of Wisconsin, and remained there until Wisconsin was admitted as a State.

17. In 1838, the United States Government passed a bill establishing the Territorial Government of Iowa, which went into effect July 3rd.

A Territory.

18. The Territorial Legislature consisted of a House of Representatives of twenty-six members and a Council of thirteen members. The first session was held at Burlington and was bitter and exciting. The Governor was vested with a veto power which was so unlimited that he almost controlled legislation. This power was afterward restricted.

Legislature.

19. The first Governor was Robert Lucas of Ohio, who was appointed by President Van Buren in 1838. When the Whig party came into power in 1841, President Harrison appointed John Chambers to the Governorship. In 1845, James Clark

Governors.

was made Governor and served till Iowa became a State and elected the Chief Executive by a vote of the people.

QUESTIONS.

1. Who discovered Iowa?
2. By what right did the French claim this territory?
3. Under whose control did it afterward come?
4. State what is said about the Louisiana Purchase.
5. What is said about early settlement? Of Basil Giard? Honori? Traders? Dr. Muir and others?
6. What of important treaties made with the Indians?
7. State what is said of the last one?
8. Recite what you can from Judge Nourse's Centennial Address.
9. What changes in government did the territory now known as Iowa undergo?
10. When did it become a Territory?
11. Of what did the Legislature consist?
12. How many members were in each body?
13. What of the first session?
14. Tell all you can about the Territorial Governors.

LESSON IV.

STATE ORGANIZATION.

20. On the 7th of October, 1844, the people of this Territory, by a convention of delegates called for that purpose, met at Iowa City and framed a Constitution, which was forwarded to the Delegate in Congress by the Hon. Shepherd Leffler.
- Constitutional Convention.

This Delegate submitted it to Congress, by whom it was approved. In 1845, this body passed an act making the Territory a State, and at the same time changed the northern and western boundaries. This change was unsatisfactory to the people of the Territory and, at the election in April, they rejected the Constitution. Congress afterward repealed the obnoxious features and, in 1846, a new Constitution was presented to the people; on August 3d of the same year, it was ratified by a small majority of the popular vote. On the 28th of December following, Iowa was admitted into the Union of states, and the twenty-ninth star appeared on our National banner.

21. At the time of the admission of Iowa there were twenty-seven organized counties within her borders; the total population was almost one hundred thousand, and the eager settlers with ceaseless tread had nearly reached the Missouri River. A Governor, Auditor, Secretary, and Treasurer of State, with members of the Legislature, were elected, and the first session of the General Assembly opened November 30th, 1846, at Iowa City—almost a month before the State was admitted into the Union. It was composed of nineteen Senators and forty Representatives. The question of locating the capital farther west was the cause of much warm discussion. Commissioners were appointed who immediately entered upon the duty of selecting a location nearer the center of the State. The first site selected was in Jasper County, where the town of Monroe now stands. The selection was approved but afterward repealed, and the General Assembly continued to meet at Iowa City. But in 1855, a bill was passed which located the capital where it is now situated. The temporary State House being completed,

Iowa a State.

on the 19th of October, 1857, the Governor declared Des Moines to be the capital, and the work of moving* thither began at once.

22. A revision of the Constitution was completed on March 5th, 1857, and was approved and adopted by the people on August 3d by a vote of 40,311 against 38,681.

Constitutional Convention of 1857. Since that time it has remained unchanged except by amendments adopted by a vote of the people, submitted to them in accordance with the provisions of the Constitution. Section 3, Article X, of the amendments of the Constitution, provides that the question of revision should be submitted to an election of the people in 1870, and the same must be done each tenth year thereafter, and at such other times as the General Assembly may by law provide. The question is stated as follows: "Shall there be a convention to revise the Constitution and amend the same?"

23. "Schools and the means of education shall forever be encouraged," is a declaration found Encouragement to Education. in the ordinance of 1787, regarding the territory northwest of the Ohio River. In the history of our own State we find no less devotion to this great power in civilization. On her admission to the Union she became entitled to 500,000 acres of land, a grant made by the Federal Government and approved

* One authority thus describes the removal: "It was an undertaking of no small magnitude; there was not a mile of railroad to facilitate the work, and the season was unusually disagreeable. Rain, snow and other accompaniments increased the difficulties; and it was not until December that the last of the effects—the safe of the State Treasurer, loaded on two large "bob-sleds"—drawn by ten yoke of oxen, was deposited in the new capital. It is not imprudent now to remark that, during this passage over hills and prairies, across rivers, through bottom lands and timber, the safes belonging to the several departments contained large sums of money, mostly individual funds, however."

in 1841. And again, in her admission as a State, the sixteenth section of land in every township was granted to her for school purposes. There was a grant made to the University amounting to 45,957 acres, and one to the Agricultural College and Farm amounting to 240,000 acres.

24. All school lands and funds are under the control of the General Assembly, which must encourage, by all suitable means, the promotion of intellectual, moral, and agricultural improvement. The proceeds of all the lands granted by the United States to this State for school purposes, the estates of all persons dying without a will or an heir, and such per cent as has been granted by Congress on the sale of all lands in the State must remain a *perpetual fund* for the support of the common schools. To this permanent fund is added money received for exemption from military duty, and the proceeds of all fines collected for a breach of the penal laws.

QUESTIONS.

1. State what is said about the first constitutional convention and the admission of Iowa as a State.
2. What change in boundaries did Congress make?
3. What did this body afterward do?
4. When was Iowa admitted as a State?
5. At this time how many organized counties were there?
6. What was the population?
7. What officers were elected?
8. When and where was the first session of the General Assembly opened?
9. How many members were there in each body?

10. What leading question arose ?
11. Where was the capital first located ?
12. Where next ?
13. When was Des Moines declared to to be the capital ?
14. Tell all you can about moving thither.
15. When was the revision of the Constitution completed and adopted ?
16. How often, and when is the question of revision submitted to the people ?
17. How is the question stated ?
18. What declaration is found in the ordinance of 1787 ?
19. What grants have been made for educational purposes ?
20. Under whose control are all school lands and funds ?
21. What proceeds make up the permanent school fund ?

LESSON V.

BILL OF RIGHTS.

25. After stating the preamble and the boundaries of the State, the framers of the Constitution adopted a *Bill of Rights*, which is simply a declaration of the rights and privileges claimed by the people of the State. The following is a summary of this declaration :

26. The first section, regarding the rights of persons, reads as follows: "All men are, by nature, free and equal, and have certain inalienable Rights of Persons."

ble rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness." This plainly and definitely states that all men are equal before the law. It is the living echo of the Declaration of Independence, July 4th, 1776, when the remarkable proposition was made "that all men are created free and equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

27. Inasmuch as the government derives all its political power from the governed, and since it is instituted for the protection, security and benefit of the people, whenever it becomes destructive of this end, then the people have the right to alter or reform it. With free discussion, free speech, free thought, the intelligent voters may speedily effect this change and reformation through the medium of the ballot box.

28. The General Assembly can make no law establishing a uniformity of religion, or in any way restrict religious liberty. Neither can any religious test be required as a qualification for any office of public trust, nor do one's religious opinions unfit him for giving evidence in court. There is nothing more befitting American liberty than the restrictions herein placed upon the Legislative bodies.

29. Any citizen of the State who, either directly or indirectly, takes part in any duel is forever disqualified from holding any office under

the Constitution and the laws of the State. Perhaps a greater punishment could not be placed upon a citizen. Dueling was once quite popular among even the great men of our country, as a proper manner in which to settle disputes and quarrels, but happily it is now considered as the meanest and least respectable method.

30. It is the privilege of every person to speak, write, Liberty of Speech. or publish his sentiments on any subject, but he is responsible for the abuse of the right. The Constitution allows great liberty in this respect, but if any person makes bad use of it, the laws of the State and the good of the people require that he be held to a strict and rigid account for all the injury done.

31. All laws general in their nature must be uniform Uniform Laws. in their operation, and no immunity or privilege can be granted to any citizen or class of citizens which, under the same circumstances, does not apply to all others.

32. No warrant for seizure or search can be issued Personal Security. except upon probable cause, supported by oath. Thus the people are secured in their persons, houses, papers, and effects against unreasonable searches and seizures. The life, liberty, or property of an individual can be taken only by due process of law. By due process of law is meant the regular course of administration through courts of justice.

33. No person can be deprived of the right of trial by Trial by Jury. jury. In all criminal prosecutions, and in cases in which the life or liberty is involved, the accused has the right to a speedy and public trial by an impartial jury, to call for a copy of the accusation, to demand that the prosecuting witness confront

him, to force into court witnesses in defense of himself, and to have the assistance of counsel.

34. And in cases less than felony, in which the punishment does not exceed one hundred dollars or thirty days' imprisonment, the accused has the right to a speedy trial before a Justice of the Peace or some other officer authorized by law. Otherwise the trial would be delayed till a session of court.

Oftimes this would work the greatest wrong, for in many cases, the accused is not guilty, and it is right that the public know it by his acquittal. After acquittal, no one can again be tried for the same offense.

35. Before conviction any person is bailable, except for a capital offense wherein it is evident, or the presumption great, as to who is the guilty party. But excess in bail or fine must be avoided, nor can cruel punishments be inflicted.

36. The writ of habeas corpus cannot be suspended except in case of rebellion, or invasion, and no bill of attainder or ex-post-facto laws shall ever be passed. The first of these is one of the most famous writs in history, and was esteemed by the early English colonists as one of the "dearest birthrights of the Britons." A bill of attainder worked corruption of blood, so that neither personal nor real estate could pass by inheritance to the offender's people. An ex-post-facto law is retroactive and makes an act a crime which was not a crime when it was committed.

37. The military power is subordinate to the civil. No standing army can be kept in time of peace; neither can any soldier, in time of peace, be quartered in any house without the consent of

the owner ; nor in time of war, except by due process of law. And private property cannot be taken for public use without just compensation. Great care is taken that there shall not be a large standing army. It has ever been held by our Republic that such an army might become the greatest danger to the country, and hence it is feared.

Treason. 38. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid or comfort. No one can be convicted of treason except upon the evidence of two witnesses to the same overt act, or upon open confession in court.

Servitude. Pe- 39. There can be no voluntary servitude, no imprisonment for debt, no law impairing the obligation of contracts. The people have the right freely to assemble together to counsel each other for their own good, and to make known their grievances to their representatives and to petition for redress.

Right of Suff- 40. Every male citizen of the United States of the age of twenty-one years, who has been a resident of the State six months preceding the election, and of the county in which he lives sixty days, is entitled to vote. This privilege is termed the right of suffrage. No idiot, or insane person, or one convicted of an infamous crime, can exercise this right of suffrage. Except in time of war or public danger, a voter cannot be compelled to perform military duty on election day ; and only in cases of treason, felony, or breach of the peace, can he be arrested during his attendance at the election.

QUESTIONS.

1. What is the Bill of Rights?
2. Repeat the quotation in regard to the rights of persons.
3. Also the one from the Declaration of Independence.
4. From what source does the Government derive all its political power?
5. For what is Government instituted?
6. When may the people alter or reform it?
7. How may this be done?
8. What is said about religion and a religious test?
9. What about dueling?
10. Of the liberty of free speech and free press?
11. What of uniformity of laws?
12. What of personal security?
13. Who is entitled to a trial by jury?
14. When may a speedy trial before some officer of the law be demanded?
15. Why is such speedy trial permitted?
16. What of trial after acquittal?
17. Why is this?
18. What of bail?
19. Of excess in bail, or fines, or cruel punishment?
20. What is said of the writ of habeas corpus, bill of attainder, or ex-post-facto laws?
21. Relate what is said of the military power.
22. Define treason.
23. What is the conviction for treason?
24. What of servitude and the right of petition?
25. Who has the right of suffrage?
26. What is suffrage?

27. Who are not permitted to vote?
28. What of military duty on election day?
29. Of arrest while in attendance at the election?

LESSON VI.

AN OUTLINE OF THE CIVIL GOVERNMENT OF IOWA.

I. State; II. County; III. Township; IV. City or Town.

A. Legislative; B. Executive; C. Judicial.

I. State.—A. Legislative (General Assembly): 1. Senate.

2. House.

B. Executive: 1. Governor.
2. Lieutenant Governor.
3. Secretary of State.
4. Auditor of State.
5. Treasurer of State. [struction.
6. Superintendent of Public In-
7. Officers Appointed by the Gov-
ernor.

C. Judicial: 1. Supreme Court.
2. Officers of this Court.
3. District Court.
4. Officers of this Court.

II. County.—A. Legislative: 1. Board of Supervisors.

B. Executive: 1. Board of Supervisors.
2. County Treasurer.
3. County Auditor.
4. County Superintendent.
5. County Clerk.
6. Sheriff of the County.
7. County Recorder.
8. County Attorney.
9. County Surveyor.
10. Coroner.
11. Officers appointed.

C. Judicial: 1. District Court.

III. Township.—

- A. Legislative: 1. Township Trustees.
2. School Board.

- B. Executive: 1. Township Trustees.
2. Township Clerk.
3. Township Assessor.
4. Constable.
5. Road Supervisors.
6. School Officers.

- C. Judicial: 1. Justices of the Peace.

IV. City or Town.—

- A. Legislative: 1. City or Town Council.

- B. Executive: 1. Mayor
2. Assessor.
3. Marshal.
4. Treasurer.
5. Clerk or Recorder.
6. Other Officers.

- C. Judicial: 1. Mayor's Court.
2. Police Court.
3. Superior Court.

Distribution of Powers.

42. In our State there are four organizations for the administration of law and justice. These are: I. The State; II. The County; III. The Township; IV. The City or Town.

43. Each of these organizations has three departments: A. Legislative; B. Executive; C. Judicial.

44. The Legislative department consists of the General Assembly of the State and all other bodies having power to make laws and regulations for the government of the people. The Executive department consists of the Governor, and other State officers (except the judges and officers of the Supreme Court), and all other officers who enforce obedience to the laws, whether it be the state, county,

What Composes
each Department.

township, city or town. The Judicial department consists of the Supreme Court, District and Superior Court, Justice's and Police Court.

45. A separation of these departments is a prominent doctrine of our Republic. This is the feature which most distinguishes it from the republics of the ancient world. It contributes in the greatest degree to uniformity, certainty, and fairness. But a complete separation can never be wholly effected. The duties of some officers require them to act both as executors and judges of the law. It perhaps is best thus, for each of these departments now acts as a check to some other. An instance of this is the power of the Governor to veto measures enacted by the General Assembly. And even after the law has the sanction of both the Legislative and Executive departments, the Supreme Court may declare it unconstitutional.

Throughout every department there is a close resemblance between the State and the United States Government.

State.

46. No person can become a member of the lower House, also called the House of Representatives, unless he is twenty-one years old, a citizen of the United States, and has been a resident of the State one year next preceding the election, and has actually lived in the district which he represents sixty days. A Senator must be twenty-five years of age, and possess the qualifications of a Representative as to residence and citizenship. The Governor and Lieutenant Governor must be thirty years old, citizens of the United States, and inhabitants of the State two years next pre-

Separation of Powers.

Terms of Eligibility.

ceding the election. There is no constitutional provision as to the terms of eligibility of members of the Judicial department.

47. The election of members of the General Assembly, the State or judicial officers, occurs on the next Tuesday after the first Monday in November. <sup>Election and Ten-
ure of Office.</sup> Members of the House of Representatives are elected for the term of two years; Senators for four; members of the Judicial department for six; and all hold their positions until their successors are elected and qualified. The terms of office of Governor and Lieutenant Governor begin on the second Monday in January next after their election; the terms of all the others begin on the first Monday.

QUESTIONS.

1. Do not fail to make the outlines on pages 35-6 an object of close study. Fix that of the State firmly in memory.

2. Name the four organizations for the administration of law and justice.

3. What are the departments of each of these?

4. Of what does the Legislative department consist? The Executive department? The Judicial?

5. Repeat what is said about the separation of these departments.

6. To what does it contribute?

7. State instances in which the power of one department acts as a check upon another.

8. Give the terms of eligibility of members of the lower House.

9. The members of the Senate.

10. Of the Governor, or the Lieutenant Governor.

11. State the time of election and the term of office of the members of each department.

12. When do their terms of office begin?

LESSON VII.

LEGISLATIVE DEPARTMENT.

The General Assembly.

1. SENATE 2. HOUSE.

48. As in the United States, the Legislative authority of the State is vested in a General Assembly, which consists of a Senate and House of Representatives. These two together constitute the representation for the purpose of making laws. The legislative powers inherent in the people being vested in this body its powers are, therefore, supreme, except as limited by the Constitution.

49. The General Assembly meets regularly once in every two years; but on an *extraordinary* occasion, the Governor may call a special session. The sessions are held at the Capitol, in the city of Des Moines, beginning on the second Monday in January after the election of members.

50. At the hour of two p.m. on the day on which the General Assembly meets, the Lieutenant Governor, as President, calls the members of the Senate to order and they proceed immediately to effect a temporary organization. If the Lieutenant Governor is not present, some member acts in his stead. A

secretary is chosen, who receives and files the certificates of election presented by those claiming seats. A committee of five is appointed who examines and reports upon the credentials presented. Those reported as being members then effect a permanent organization.

51. Some member of the House calls that body to order, as is done in the Senate, and they choose a clerk, who performs the same duties as those of the secretary of the Senate. A committee of five is appointed, who examines the credentials and makes a report thereon. Those who are found to hold proper certificates of election organize permanently by selecting a Speaker and other officers.

52. The number of Senators cannot be less than one-third nor more than one-half the representative body. At present there are fifty Senators, just half as many as there are in the lower House, which numbers one hundred. The Senators are divided into two equal lots; one lot being elected at one time, the other two years later. By this arrangement, at least one-half will be members of two years' experience.

53. The Senators cannot exceed fifty in number. The adjustment of the ratio is made at each regular session of the General Assembly, after the census has been taken. The State was divided by this body, in 1886, into fifty Senatorial districts, as shown in the note below.*

*The Roman numeral shows the number of the district; then follows the county or counties composing it; this is followed by the population of the district, as shown by the Iowa census of 1885.

I. Lee, 34,024; II. Jefferson and Van Buren, 32,165; III. Appanoose and Davis, 32,124; IV. Wayne and Lucas, 30,285; V. Ring-

54. The number of Representatives cannot exceed one hundred, the present number. The ratio of apportionment is one Representative for every twenty-four thousand inhabitants. With our rapidly increasing population, these districts are often changed. The Constitution requires the General Assembly to fix the ratio of representation at each regular session. The General Assembly of 1886 divided the State into ninety-four Representative districts, as shown in the note below.†

gold, Decatur and Union, 44,315; VI. Taylor and Adams, 28,119; VII. Page and Fremont, 36,859; VIII. Mills and Montgomery, 29,628; IX. Des Moines, 35,733; X. Henry and Washington, 36,366; XI. Warren and Clarke, 29,237; XII. Poweshiek and Keokuk, 41,521; XIII. Wapello, 25,803; XIV. Mahaska, 27,131; XV. Marion and Monroe, 35,743; XVI. Madison and Adair, 30,342; XVII. Audubon, Dallas and Guthrie, 47,314; XVIII. Cass and Shelby, 35,325; XIX. Pottawattamie, 45,866; XX. Louisa and Muscatine, 36,246; XXI. Scott, 41,956; XXII. Clinton, 38,661; XXIII. Jackson, 22,839; XXIV. Cedar and Jones, 37,486; XXV. Iowa and Johnson, 41,236; XXVI. Linn, 40,720; XXVII. Calhoun and Webster, 29,823; XXVIII. Marshall, 25,036; XXIX. Jasper, 25,247; XXX. Polk, 51,907; XXXI. Boone and Story, 42,499; XXXII. Woodbury, 32,289; XXXIII. Buchanan and Delaware, 35,162; XXXIV. Crawford, Harrison and Monona, 48,869; XXXV. Dubuque, 45,496; XXXVI. Clayton, 26,853; XXXVII. Hamilton, Hardin and Wright, 41,981; XXXVIII. Blackhawk and Grundy, 36,664; XXXIX. Bremer and Butler, 28,873; XL. Allamakee and Fayette, 40,757; XLI. Mitchell, Winnebago and Worth, 26,661; XLII. Howard and Winneshiek, 31,985; XLIII. Cerro Gordo, Franklin and Hancock, 29,101; XLIV. Chickasaw and Floyd, 29,261; XLV. Benton and Tama, 45,524; XLVI. Cherokee, Ida and Plymouth, 37,077; XLVII. Clay, Dickinson, Emmet, Kossuth and Palo Alto, 28,158; XLVIII. Carroll, Greene and Sac, 44,993; XLIX. Lyon, O'Brien, Osceola and Sioux, 27,975; L. Buena Vista, Humboldt and Pocahontas, 25,747.

† It will be observed that some of the counties have two Representatives; those are marked thus*. The population of any county which has been given will not be repeated.

I. Lee; II. Van Buren, 16,170; III. Davis, 15,183; IV. Appanoose, 16,941; V. Wayne, 15,494; VI. Decatur, 15,083; VII. Ringgold, 12,730; VIII. Taylor, 15,973; IX. Page, 20,938; X. Fremont, 15,921; XI. Mills, 13,727; XII. Montgomery, 15,901; XIII. Adams,

55. The Constitution forbids the formation of a Representative, Senatorial, or Congressional district from two counties which are wholly separated by another county. Nor can a county be divided so as to become parts of two districts.

Formation of Dis-
tricts.

12,146; XIV. Union, 16,502; XV. Clarke, 11,369; XVI. Lucas, 14,791; XVII. Monroe, 12,324; XVIII. Wapello; XIX. Jefferson, 15,995; XX. Henry, 17,862; XXI. Des Moines; XXII. Louisa, 11,926; XXIII. Washington, 18,504; XXIV. Keokuk, 23,318; XXV. Mahaska; XXVI. Marion, 23,419; XXVII. Warren, 17,868; XXVIII. Madison, 16,240; XXIX. Adair, 14,102; XXX. Cass, 19,019; XXXI. Pottawattamie,*; XXXII. Harrison, 20,560; XXXIII. Shelby, 16,306; XXXIV. Audubon, 10,825; XXXV. Guthrie, 16,439; XXXVI. Dallas, 20,050; XXXVII. Polk,* XXXVIII. Jasper, XXXIX. Poweshiek, 18,203; XL. Iowa, 18,190; XLI. Johnson, 23,046; XLII. Muscatine 24,320; XLIII. Scott,*; XLIV. Cedar, 17,832; XLV. Clinton,*; XLVI. Jackson; XLVII. Jones, 19,654; XLVIII. Linn,*; XLIX. Benton, 23,902; L. Tama, 21,622; LI. Marshall; LII. Story, 17,527; LIII. Boone, 24,972; LIV. Greene, 15,923; LV. Carroll, 16,329; LVI. Crawford, 16,131; LVII. Monona, 12,178; LVIII. Woodbury; LIX. Ida, 9,012; LX. Sac, 12,741; LXI. Calhoun, 9,836; LXII. Webster, 19,987; LXIII. Hamilton, 14,075; LXIV. Hardin, 18,526; LXV. Grundy, 12,804; LXVI. Blackhawk, 23,860; LXVII. Buchanan, 17,726; LXVIII. Delaware, 17,436; LXIX. Dubuque,*; LXX. Clayton; LXXI. Fayette, 22,422; LXXII. Bremer, 14,350; LXXIII. Butler, 14,523; LXXIV. Franklin, 11,324; LXXV. Wright, 9,380; LXXVI. Humboldt, 8,065; LXXVII. Pocahontas and Clay, 12,590; LXXVIII. Buena Vista, 11,530; LXXIX. Cherokee, 12,584; LXXX. Plymouth, 15,481; LXXXI. Sioux, 11,584; LXXXII. O'Brien, 8,389; LXXXIII. Palo Alto, Emmet and Dickinson, 12,383; LXXXIV. Kossuth, 9,337; LXXXV. Hancock and Winnebago, 10,668; LXXXVI. Cerro Gordo, 12,688; LXXXVII. Floyd, 15,362; LXXXVIII. Chickasaw, 13,899; LXXXIX. Allamakee, 18,335; XC. Winneshiek, 22,680; XCI. Howard, 9,305; XCII. Mitchell, 12,825; XCIII. Worth, 8,257; XCIV. Osceola and Lyon, 8,002.

56. Laws passed at a regular session of the General Assembly take effect on the fourth of July thereafter. Those passed at a special session take effect ninety days after the adjournment of the Assembly. If the law is deemed of immediate importance, the Legislature may provide that the same shall take effect by publication in two newspapers in the State, one of them being at the seat of government. If no provision is made as to the exact date, such bill becomes a law on the twentieth day after publication.

57. The last census was taken by the State, in 1885; by provision of the Constitution the General Assembly must provide for the taking of the census every ten years, beginning with 1875. The census is taken every ten years by the United States. The first was taken in 1790; so, in fact, the census of the State is taken once in every five years.

QUESTIONS.

1. In what body is the Legislative authority of the State vested?
2. Is that power supreme?
3. How often, when and where are the sessions of the General Assembly held?
4. State what is said of the organization of the Senate. Of the House.
5. Why do members take with them certificates of election?
6. State the ratio of membership existing between the House and the Senate.
7. How many Senators are there?
8. Why are they divided into lots?
9. What is the ratio of apportionment for Senators?

9. How many Senatorial districts are there?
 10. What is the greatest number of Representatives?
 11. What is the apportionment?
 12. When is this ratio of representation fixed?
 13. Into how many Representative districts is the State now divided?
 14. What is said of the formation of districts?
 15. When do laws take effect?
 16. When was the last census taken?
 17. How often and when must the State take the census?
 18. How often, in fact, is the census of the State taken?
-

LESSON VIII.

PROVISIONS COMMON TO BOTH HOUSES.

58. Before entering upon their duties, members of the General Assembly take the following oath or affirmation: "I do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator (or Representative), according to the best of my ability."

59. Every member of the General Assembly receives the sum of five hundred and fifty dollars for each regular session; and for each extra session a proportionate amount per day, not to exceed six dollars. Mileage, both in going to and returning from the session, at the rate of five cents per mile, is allowed.

60. Before members of the General Assembly can draw their salaries, the presiding officers of the two Houses must jointly certify to the Auditor of State the names of the members of their respective Houses, with the amount of mileage due each one. The Auditor then draws a warrant upon the State Treasurer for the amount due each one. When these warrants are presented to the Treasurer, he must pay them. One half of the salary may be drawn at the end of thirty days from the commencement of the session, and the other half at the close of the session.

61. In general, members of the Legislature cannot, during the time for which they are elected, accept any office of profit except such as may be filled by election by the people. And any person holding a lucrative office under the State, the United States, or any other power, cannot be eligible to a seat in the legislative body of the State. However, some offices are not considered lucrative; such as that of Justice of the Peace, post-office, which does not exceed one hundred dollars per annum, or a position in the militia, for which one does not receive a salary.

62. The General Assembly is forbidden to authorize lotteries, or to permit the sale of lottery tickets, or to grant divorces. Nor can it pass local or special laws in the following cases: 1.

For the assessment and collection of taxes for the State, the county, or for road purposes ; 2. For laying out, making, or opening highways ; 3. For vacating roads, town plats, streets, alleys, or public squares ; 4. For locating or changing county seats ; 5. For the incorporation of towns and cities ; 6. To change the names of persons. If the subject matter of a bill is not shown by the title, that part of the act which refers to such matter is void.

63. Every member of the General Assembly has the liberty to protest against any act or resolution which he deems injurious to the public. And, except in case of treason, felony, or breach of the peace, he is privileged from arrest during the session of the Legislature, and in going thither and returning therefrom. The wisdom of such a provision cannot be questioned. Otherwise, liberty of speech and action could not be assured to legislators, and not only they, but the State as well, might be subjected to the greatest wrongs. The State and the United States provide not this alone, but in addition, do not permit any person to question a legislator against his will, regarding any speech or debate, in any other place than in the body where it was delivered.*

64. Each House may determine the time of its own adjournment except that neither one can adjourn for more than three days without

Powers and duties of each House.†

* And any person who knowingly violates this privilege may be subjected to a fine or imprisonment, or both. Or if he threatens, menaces, or attempts by any corrupt means to control a legislator's influence or vote, he may be subjected to the same penalty.

† The State Printer and Binder are elected by a joint vote of the General Assembly at each regular session. Each of these officers has his office at the capital of the State, and serves for two

the consent of the other, nor to any other place than that in which they are sitting. Also, each House must keep a journal of its proceedings and publish the same; each one may declare its rules of proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member. It elects its own officers, and, indeed, every power necessary to a branch of the General Assembly of a free and independent State is given to each branch in ours.

65. Each House judges of the qualification, election, and returns of its own members. A dispute may arise in regard to all these points or any one of them. Any qualified voter in the district may make the contest. All papers relating to the contest must be deposited with the Secretary of State and by him delivered to the presiding officer of the body in which the contested seat is claimed. This must be done on or before the second day of the session. This officer gives notice to the House and thus begins the investigation.

66. A bill may originate in either body of the Legislature and may be altered, amended, or rejected by the other. There are three processes by which a bill may become a law.

67. In any of these processes, it must first pass both Houses by a majority vote of all the members elected to each House, and be signed by the Speaker and President of the respective bodies.

years, beginning on the first day of May following his election. The State Printer prints the laws and journals of the General Assembly and all forms and blanks for the State officers. The reports of the State officers made to the Governor are printed by him. The State Binder binds all the laws and journals, and performs all the incidental binding of the two Houses of the General Assembly and such as he may be required to do by the State officers.

It is then presented to the Governor ; if he sign the bill it becomes a law. This is the first process.

1. In the second method, the bill must pass both Houses as in the first, and being presented to the Governor, he refuses to sign it ; it must then be returned by him to the House where it originated, with his objections. The refusal to sign the bill is a veto. If the bill can now be passed by a majority of two-thirds of each House, it becomes a law without the Governor's signature. A certificate, stating that all the foregoing requirements have been complied with, must be signed by the presiding officer of each House.

2. Third process : The bill having passed both Houses as before, is presented to the Governor ; if he neglect to sign it within three days (Sunday excepted), it becomes a law as if signed by him. It must then be authenticated by the Secretary of State.

3. Any bill submitted to the Governor during the last three days of the session, must be deposited by him with the Secretary of State within thirty days after the adjournment, with his signature if he approve, or with his objections if he disapprove.

68. A majority of either House constitutes a quorum,
Quorum. but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may be provided by the respective Houses.

QUESTIONS.

1. Repeat the oath of members of the General Assembly.

2. What is the compensation of members of the General Assembly ?

3. Explain the process by which they draw their salaries.
4. When do they draw them?
5. What works a disqualification for membership in the Legislature?
6. What offices are not lucrative?
7. Mention all the restrictions placed upon members of the General Assembly.
8. What privileges have members?
9. What of the wisdom of such provision?
10. What additional provision is made?
11. What are the powers and duties of each House?
12. State what is said about contested election cases.
13. About bills.
14. State first process of law making. Second. Third.
15. By what other process may a bill become a law?
16. What of bills presented to the Governor at any time during the last three days of the session?
17. How many make a quorum?
18. What must a less number do?

LESSON IX.

GENERAL PROVISIONS.

69. When a vacancy occurs in either House, the Governor issues a writ of election to fill such vacancy.

Vacancies This writ specifies the date of such election and is directed to the sheriffs of the counties in which the election is ordered. These sheriffs must give ten days' notice by publication in some news-

paper printed in the county or, if there be no such paper, by posting notices of the Governor's proclamation in five public places in the county. The same process is required in *any* special election ordered by the Governor.

70. The sole power of impeachment rests with the House of Representatives. An impeachment is a written accusation, passed by a majority of that body, charging a State* officer with misdemeanor or malfeasance in office. All impeachment trials are conducted by the Senate, and while sitting for that purpose, Senators are under oath truly and impartially to try the cause. No person can be pronounced guilty without the concurrence of two-thirds of the members present. Conviction removes from office and disqualifies him from holding any office of profit, trust, or honor under the State. This is one of the severest punishments that either State or Nation can inflict upon a citizen. And, beside this deep-rooted distrust and perhaps hatred from society, if the misdemeanor or malfeasance is an indictable offense, the offender must meet the penalties of a law no less just and severe.

71. A statement of the receipts and expenditures of money by the State must be published with the laws of each regular session of the General Assembly. This is a part of the State Auditor's report and is published in the "Acts and Resolutions of the General Assembly."

72. No money can be drawn from the treasury of the State but in consequence of appropriations made by

* The Governor and all other State officers and the judges of the Supreme and District Courts are liable to be impeached. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

the General Assembly in accordance with law. Neither
Appropriations. can an appropriation be made for the
 standing army for a longer period than
 two years.

73. In case the people fail to elect a Governor or Lieu-
Election of Governor. tenant Governor by giving two or more
 candidates for either position the highest
 and an equal number of votes ; or should they fail from
 any other cause, then the General Assembly must, by a
 joint session, elect one of said persons to fill the office
 which is vacant.

74. United States Senators are elected by the Legisla-
United States Senators. tures of the different states. The provis-
 ions for such election were established by
 the Federal Congress and are the same in all the states.
 On the second Tuesday after the meeting and organiza-
 tion of the State Legislature, each House in separate ses-
 sion casts a ballot for a United States Senator. On the
 following day these two bodies meet in joint session. If
 any one received a majority of the votes cast on the pre-
 vious day, he is declared duly elected. If no one re-
 ceived a majority, the two Houses must meet again on
 the following day and cast a second ballot. This is con-
 tinued from day to day until a Senator is chosen.

I. The Governor of the State must send a certificate
 of the election of a Senator to the President of the
 United States.

75. The Lieutenant Governor is President of the
Presiding Officers. Senate ; he can vote only when that body
 is equally divided. The other officers are
 elected by the members of the Senate. All the officers*

*The other officers of the two bodies are almost the same.
 The following are those of the Senate : Secretary, with first

of the House of Representatives are elected by the members thereof. The one who presides is Speaker. He must vote whenever the yeas and nays are called and whenever the House is equally divided; also in all cases when his vote, if given to the minority, will make the division equal; in such cases the question is lost.

76. Unless otherwise especially directed, the presiding officer of each of the legislative bodies appoints all the *standing committees*† of their respective bodies. The duty of each committee is suggested by the name. The committees of the two

Standing Com-
mittees.

and second assistants; Enrolling Clerk, Engrossing Clerk; Sergeant-at-Arms, with one assistant; Doorkeeper, with first and second assistants; Janitor; Postmaster, with one assistant; and Paper-Folder, with one assistant.

The pay of these officers is as follows: to the Secretary of the Senate and Chief Clerk of the House, six dollars per day each; to the Assistant Secretaries of the Senate and Clerks of the House, five dollars per day each; to the Enrolling and Engrossing Clerks, four dollars per day each; to the Clerks of the Committees, two dollars and fifty cents per day each; and the necessary stationery for each of the Clerks and Secretaries, and their assistants aforesaid; to the Sergeant-at-Arms, Doorkeepers, Janitors, Postmasters, and Mail Carriers three dollars per day each; to the Messengers and Paper-Folders, one dollar and fifty cents per day each.

† 1. Ways and Means; 2. Judiciary; 3. Federal Relations; 4. Constitutional Amendments; 5. Suppression of Intemperance; 6. Appropriations; 7. Normal Schools; 8. Schools; 9. Agriculture; 10. County and Township Organization; 11. Compensation of Public Officers; 12. Banks; 13. Railways; 14. Insurance; 15. Private Corporations; 16. Municipal Corporations; 17. State University; 18. Military; 19. Elections; 20. Claims; 21. Commerce; 22. Public Buildings, 23. Manufactures; 24. Printing; 25. Public Lands; 26. Internal Improvements; 27. Highways; 28. Library; 29. Judicial Districts; 30. Congressional Districts; 31. Senatorial Districts; 32. Representative Districts; 33. Hospital for the Insane; 34. Institution for the Deaf and Dumb; 35. College for the Blind; 36. Orphans' Home; 37. Penitentiary; 38. Reform Schools; 39. Agricultural College; 40. Horticulture and Forestry; 41. Fish and Game; 42. Asylum for Feeble-Minded Children; 43. Medicine, Surgery and Hygiene; 44. Rules; 45. Mines and Mining; 46. Engrossed Bills; 47. Enrolled Bills; 48. Retrenchment.

bodies are almost the same. The note shows those of the Senate.

QUESTIONS.

1. What is said about an election to fill a vacancy?
2. What does the writ specify and to whom is it directed?
3. What is required of the sheriffs?
4. With what body does the power of impeachment rest?
5. What is an impeachment?
6. What body tries it?
7. What is necessary to a conviction?
8. What punishment follows conviction?
9. How are the receipts and expenditures made public?
10. Who reports them to the Legislature?
11. In what are they published?
12. How is money drawn from the State treasury?
13. What of appropriations for the standing army?
14. How may the people fail to elect a Governor or Lieutenant Governor?
15. Should this occur, how must the vacancy be filled?
16. State what is said about the election of a United States Senator?
17. Who is presiding officer of each body of the General Assembly?
18. In what cases does the President of the Senate vote?
19. Who elects the other officers of the Senate?
20. By what body are the officers of the House elected?
21. Who is the presiding officer?

22. When does he vote?

23. What officer usually appoints the standing committees?

LESSON X.

EXECUTIVE DEPARTMENT.

1. GOVERNOR; 2. LIEUTENANT GOVERNOR; 3. SECRETARY OF STATE;
4. AUDITOR OF STATE; 5. TREASURER OF STATE; 6 SUPERINTENDENT OF PUBLIC INSTRUCTION; 7. OFFICERS APPOINTED BY THE GOVERNOR.

77. This department includes all State officers upon whom devolves the responsibility of executing the laws. To these officers belongs not only the power, but the duty to see that the laws are faithfully executed. In their hands rests one of the three great political interests of the commonwealth, and the people should be no less particular in choosing capable and upright men for officers in this department than in selecting members for the Legislature or judges for the bench.

What Officers are Included.

Governor.

78. The Governor, in whom the supreme executive authority is vested, is chief magistrate. Chief Magistrate. Election, etc. The returns of the election of Governor and Lieutenant Governor are sent to the capital of the State, directed to the Speaker of the House. It is his duty to open them and publish them in the presence of both bodies of the General Assembly. Should the people fail to elect either of these officers, the vacant

position is filled by election at a joint session of the General Assembly.

79. The election of Governor or Lieutenant Governor may be contested by any eligible person Contested Election. who receives votes for the office. Within thirty days after the proclamation of the election, the contestant delivers to the presiding officer of each House of the General Assembly a notice of his intention to make the contest, giving his reasons for so doing. As soon as these officers receive the foregoing, they send proper notice to the incumbent, and immediately inform their respective Houses that they have received such notice of contest, including the specifications. Each House forthwith chooses by lot seven members from its own body. The fourteen members thus chosen are a committee to determine, as specified by law, the contested election. Their judgment, which is conclusive, is reported to each House, and there entered on the journals.

80. The Governor and Lieutenant Governor are Election and Term of Office. elected in odd-numbered years, by a popular vote, for the term of two years, and until their successors are elected and qualified. Their term of office begins on the second Monday in January after their election.

81. The Governor is Commander-in-Chief of the militia, army, and navy of the State. In case Commander-in-Chief. of insurrection, invasion, or breach of the peace, or in great public danger, he has the power to order into service the militia of the State, or such part thereof as may be necessary. Or if the Sheriff of any county in the State makes demand upon the Commandant of any military forces to suppress an unlawful or riotous assembly, or otherwise to preserve order, and immedi-

ately notifies the Governor of such action, the Commandant must send such forces, as the occasion demands.

82. The military forces of the State consists of all able-bodied citizens, between the ages of eighteen and forty-five years, who are not exempted from military duty, according to the laws of the State or the United States. The active militia of the State is known as "The Iowa National Guard," and consists of nine regiments of infantry, and composes in all not more than two brigades. The enlistments are for five years, and each one who serves in the ranks as a private receives one dollar and fifty cents for every day while on duty.

83. If occasion requires, it is the duty of the Governor to convene the General Assembly, and in time of great public danger or pestilence, he may call this body together at some other place than at the capital of the State.

1. In his biennial message to the legislative bodies, the Governor must make known to them the condition of the State, and recommend such changes and measures as he deems expedient. This message is read to each House in separate session.

2. In case the two Houses fail to agree upon a time of adjournment the Governor adjourns them.

3. Should the Governor at any time resign, such resignation must be made to the General Assembly if that is in session ; otherwise, to the Auditor of State.

84. Under the regulations of the statute, the Governor or has power to grant pardons, reprieves, and commutations for all offenses except treason and impeachment. In treason he may suspend the execution of the sentence until the next session of

Militia.

Duties as to the General Assembly.

May Grant Pardons, Reprieves, etc.

the General Assembly, when the matter rests with the law-makers. They may then pardon the offense, commute the sentence, grant a further reprieve, or order the execution of the sentence. The Governor may remit fines and forfeitures in such manner as directed by law, but in the exercise of any of these last-named powers, he must make a report thereof to the General Assembly at its next session.

85. Patents for land are usually granted by the Governor. All grants and commissions made by him must bear his official signature, and be in the name and by the authority of the people of the State. This seal is in the keeping of the Governor and must be officially used by him.

86. Whenever in his opinion, the public interest demands the taking of any real estate for the construction of any institution of the State, or for the improvement thereof, the Governor shall cause the same to be taken and condemned in accordance with existing laws.

QUESTIONS.

1. Name the officers who compose the Executive department.
2. What class of officers is included in the Executive department?
3. What power and duty belong to them?
4. Why should the people be careful in the selection of these officers?
5. Who is chief magistrate of the State?
6. Who receives the returns of the election and publishes them?

7. State fully the process of contesting the election of Governor or Lieutenant Governor.

8. What of the election and term of office of these officers?

9. Who is Commander-in-Chief of the militia?

10. Of what does the militia consist?

11. What name is given to the active militia?

12. How many regiments? Brigades?

13. For what time are the enlistments taken?

14. What is the pay of a private soldier while on actual duty?

15. Under what circumstance may the Governor call the legislative bodies together at another place than at the capital?

16. State what is said about the Governor's power to grant pardons, reprieves, etc.

17. What of patents and commissions?

18. What of condemning real estate?

LESSON XI.

EXECUTIVE DEPARTMENT—CONTINUED.

The Governor—Continued.

87. At least thirty days before any general election, the Governor issues his proclamation, designating all the offices to be filled, and transmits a copy thereof to the Sheriff of each county of the State. And if a proposition to amend the Constitu-

Proclamation for
Election.

tion is submitted to a vote of the people, he must include such amendment in his proclamation.*

88. When the office of United States Representative becomes vacant, or a vacancy occurs in the office of

* The following is the proclamation of Governor Sherman for the general election November 4th, 1884.

THE STATE OF IOWA.

BY THE GOVERNOR.

A Proclamation for the General Election, Nov. 4, 1884.

Pursuant to law, I, Buren R. Sherman, Governor of the State of Iowa, do hereby proclaim that at the General Election to be held on the "Tuesday next after the first Monday in November," A. D. 1884, the offices hereinafter named are to be filled by a vote of all the electors of the State and those of the several Districts designated, to-wit:
By vote of all the electors of the State :

The office of Elector of President and Vice President of the United States, to be filled by the choice of thirteen Electors, each ballot for such office to contain the name of at least one inhabitant of each Congressional District into which the State is divided, and to designate "against the name of each person" voted for the number of the Congressional District to which he belongs;

The office of Secretary of State ;

The office of Auditor of State ;

The office of Treasurer of State ;

The office of Judge of the Supreme Court, in place of James H. Rothrock, whose term of office will expire December 31, 1884;

The office of Attorney General.

By vote of the electors of the several Judicial Districts and Circuits, and also of those specially named below :

The office of Circuit Judge in each of said Judicial Districts and Circuits, and one additional Circuit Judge in the Second Judicial District.

In the new Circuits established by the Twentieth General Assembly, Judges will be elected as follows :

One Circuit Judge in the first circuit of the Fourth Judicial District, comprising the counties of Lyon, O'Brien, Sioux, Osceola and Plymouth;

One Circuit Judge in the second circuit of the Fourth Judicial District, comprising the counties of Woodbury, Monona, Harrison and Cherokee;

One Circuit Judge in the first circuit of the Sixth Judicial District, comprising the counties of Poweshiek, Keokuk, Washington and Jefferson;

One Circuit Judge in the second circuit of the Sixth Judicial District, comprising the counties of Jasper, Marion and Mahaska.

Senator or Representative of the General Assembly of the State, and the body in which the vacancy occurs meets before another general election, the Governor must call a special election to fill

Special Election.

The offices of Judge of the District Court and District Attorney in the Twelfth, Thirteenth and Fourteenth Judicial Districts.

By vote of the electors of the several Congressional Districts :

The office of Representative in Congress from each of said districts.

And I do further proclaim and give notice, that on the day of said general election, the offices named below having become vacant, are to be filled by vote of the electors of the several districts mentioned, respectively :

The office of Representative in Congress from the Seventh Congressional District, to fill the vacancy occasioned by the resignation of John A. Kasson.

The office of Judge of the District Court in the Thirteenth Judicial District, to fill the vacancy occasioned by the resignation of Joseph R. Reed.

The office of Judge of the Circuit Court in the Thirteenth Judicial District, to fill the vacancy occasioned by the resignation of C. F. Loofbourrow;

The office of the Judge of the Circuit Court in the Ninth Judicial District, to fill the vacancy occasioned by the resignation of B. W. Lacy.

And I do further proclaim and give notice, that at said election four propositions to amend the Constitution, agreed to by the Nineteenth and Twentieth General Assemblies, will be submitted to the people, in accordance with the provisions of chapter one hundred and fourteen of the Acts of the Sixteenth General Assembly, said propositions being as follows, to-wit :

Amendment 1. The general election for State, district, county and township officers shall be held on the Tuesday next after the first Monday in November.

Amendment 2. At any regular session of the General Assembly the State may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.

Amendment 3. The grand jury may consist of any number of members, not less than five, nor more than fifteen, as the General Assembly may by law provide, or the General Assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

Amendment 4. That Section 13 of Article V of the Constitution be stricken therefrom, and the following adopted as such section: Section 13. The qualified electors of each county shall, at the general

the vacancy. The person elected serves during the unexpired part of the term. A vacancy can occur in the House of Representatives of the National Congress

election in the year 1886, and every two years thereafter, elect a county attorney, who shall be a resident of the county for which he is elected, and who shall hold his office for two years, and until his successor shall have been elected and qualified.

Attention is hereby called to Section 2, Article X, of the Constitution, as follows:

"SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for and against each of such amendments separately."

The following extract from chapter one hundred and fourteen of the Acts of the Sixteenth General Assembly is published for general information:

"The ballots relating to such amendment or amendments shall be separate from the ballots for officers cast at such election, and shall be deposited in boxes to be provided by the judges of election, separate from said ballots so cast for officers; and there shall be written or printed on such ballots the entire proposed amendment or amendments with the word 'for' or 'against'—as the elector may desire—preceding each amendment voted upon."

Whereof all electors throughout the State and the districts and counties especially designated will take due notice, and the sheriffs of the several counties will take official notice and be governed accordingly.

Polls open at nine o'clock A. M., and close not earlier than six o'clock nor later than nine o'clock P. M.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

[L. s.] Done at Des Moines this twenty-seventh day of September, in the year of our Lord one thousand eight hundred and eighty-four, of the State of Iowa the thirty-eighth, and of the Independence of the United States the one hundred and ninth.

By the Governor:

J. A. T. HULL, *Secretary of State.*

BUREN R. SHERMAN.

SHERIFF'S PROCLAMATION:

And pursuant to law, I, G. W. Harrison, Sheriff of Jefferson County, Iowa, do hereby proclaim and make known that at the general election to be held on Tuesday, November 4, A. D. 1884, the following designated offices are to be filled by vote of the electors of Jefferson County, Iowa:

The office of Clerk of the District and Circuit Courts;

The office of County Recorder;

The office of Member of the Board of Supervisors.

Electors will take notice and govern themselves accordingly.

G. W. HARRISON.

Sheriff Jefferson County

only by the death, resignation, or expulsion of a member.

89. If for any cause a vacancy occurs in our representation in the United States Senate, if the General Assembly of the State is in session, the two Houses must elect a successor for the unexpired term, in the manner stated in paragraph 74. If the Legislature is not in session, the Governor must fill* the vacancy by appointment till the next meeting of that body.

Vacancy in the
United States Sen-
ate.

90. It is also the duty of the Governor to visit the penitentiaries at least once in every three months and inspect the books, papers and records of the Clerk and Deputy Warden. He should examine into all the regulations of the prison. And he has the power to alter or amend the same as he thinks will best promote economy, health, safe-keeping, and the obedience of the convicts. In case he is not able to make these visits, he appoints some one to act in his stead, and make a report to him.

Visit the Peni-
tentiaries.

91. All the executive† business connected with the officers of the State government must be transacted by the Governor, who may administer oaths in any matter pertaining to the business of

Various Duties.

* When a vacancy occurs, it is the duty of the Governor to fill it by appointment till the next election by the people, or the next session of the Legislature. The general provision regarding vacancies is, that when any office becomes vacant, and neither the Constitution nor the law directs how such vacancy must be filled, then the Governor must appoint and commission some person to fill it.

† The Governor causes to be printed of the various public documents as follows: Ten thousand copies of his biennial message; five thousand of his inaugural address; seven thousand of the report of the State Treasurer; six thousand of the report of the Superintendent of Public Instruction; four thousand of the report of the State Agricultural College; and three thousand five hundred copies of each of the other reports.

his office. He may require information from the officers of the Executive department, it being his duty to see that the laws are faithfully executed.

Lieutenant Governor.

92. Should the office of Governor become vacant the powers and duties of the office devolve upon the Lieutenant Governor for the remainder of the term, or until the Governor has been acquitted or his disability removed. If the Lieutenant Governor, while serving as Governor, becomes incapable of performing the duties of the office, the President *pro tempore* of the Senate acts in his stead till the vacancy is filled or the disability removed. And if for like cause, this official becomes incapable of performing the duties of the office the same devolves upon the Speaker of the House.

93. The Lieutenant Governor is President of the Senate, but can vote only when that body is equally divided. Should he be absent, or be impeached, the President *pro tempore* fills his chair.

QUESTIONS.

1. When and to whom does the Governor issue his proclamation?
2. Under what circumstance does the Governor call a special election?
3. How long does the one elected serve?
4. How may a vacancy occur in the House of Representatives of the National Congress?
5. How is a vacancy in the United States Senate filled?

6. What duties has the Governor in connection with the penitentiaries?

7. What duty has the Governor in connection with the State officers of the Executive department?

8. What is the general provision in regard to filling vacancies?

9. What public documents does the Governor issue?

10. What duties may devolve upon the Lieutenant Governor.

11. What if the Lieutenant Governor becomes incapable of performing the duties of Governor?

12. What can you say of the Lieutenant Governor as President of the Senate?

LESSON XII.

EXECUTIVE DEPARTMENT—CONTINUED.

Secretary of State.

94. The Secretary of State has charge of all the acts and resolutions of the Territorial Legislature, the enrolled copies of the Constitutions of the State, and the original acts of the General Assembly.

95. Following the adjournment of the General Assembly, he must prepare a manuscript or printed copy of all laws, joint resolutions, and memorials passed during the session. These are printed under his personal superintendence and dis-

Charge of Various Documents.

Print and Distribute Documents.

tributed as follows : To the State Library for distribution to other states and territories and for exchange, two hundred copies; two copies to each State institution, to each judge of a court of record, and to each State officer; one copy to each member of the General Assembly; ten copies to the Law Library of the State University; one copy to the State Historical Society; and thirteen thousand copies to County Auditors. Each county officer, Justice of the Peace, Township Clerk, and Mayor of a city or incorporated town must be supplied with a copy for the use of his office.

96. The Secretary of State now performs the duties of Register of State Land Office; he must
General Duties. preserve and record the abstract of the census of the State; keep the journal of the Executive Council; distribute according to law any public documents remaining in his hands; publish a statement of the times of holding Supreme and District Courts; distribute the copies of the Supreme Court report sent to him; see that Notaries Public comply with the law in obtaining their commissions; that the law regarding the commission of Commissioners* in other States is fulfilled; must record the name, office, and term of office of every county officer as returned to him by the County Auditors of the State; must record the result of State elections, and if any County Auditor neglects to make returns of elections as provided by law,

* One or more such Commissioners may be appointed in every State and Territory of the Union. Each one serves for three years unless the Governor sees fit to revoke the commission. Each one must have a seal with the following words: "Commissioner for Iowa." His own name and also the name of the State in which he acts must be engraved upon the seal. He is empowered to administer oaths, take depositions and affidavits, take acknowledgments of deeds, and other instruments for use in the State of Iowa.

he is authorized to send a messenger for such returns. In any trial of a contested State election, he must act as clerk of the court, except when he is a party to the contest; in which case, the Clerk of the Supreme Court, or the State Auditor, must be clerk. Whenever a proposition to amend* the State Constitution has passed the General Assembly, as provided by the Constitution, the Secretary must cause the same to be published in two newspapers of general circulation in each congressional district of the State.

Auditor of State.

97. The Auditor keeps all State accounts between this and other states, or the United States, or any public officer, or private citizen; he makes settlements with all County Treasurers; keeps a clear account of all funds, revenues and incomes of the State; settles with public debtors; superintends the payments of money into the State treasury; manages the fiscal affairs of the State as required by law; furnishes County Auditors and Treasurers with instructions and forms for properly keeping the revenue accounts of the State; and draws warrants on the State Treasurer.

Duties.

* An amendment to the Constitution is proposed and submitted as follows: It may originate in either House of the General Assembly. If a majority of both Houses favor it, the amendment must be entered on their journals. A record is made of the yeas and nays. The amendment is then referred to the General Assembly to be chosen two years later. It must be published three months previous to the election of the members; this gives opportunity for free discussion by the people. If the General Assembly chosen after this publication, passes the amendment by a majority of all the members of each House, then it is their duty to submit it to the people in such manner and at such time as they may provide. If the people approve and ratify the amendment by a majority of all the votes cast, it then becomes a part of the Constitution of the State.

for money directed to be paid out of the treasury, and likewise all claims against the State. He has the custody of all books, papers, and documents not otherwise provided for. If the Governor requires it, he must furnish information relating to his office, and prior to the regular session of the General Assembly makes a report to said official. He suggests plans to the legislative bodies for the improvement and management of the public revenue and property. He apportions the interest of the school fund among the counties of the State, and publishes revenue laws for the use of Township Assessors. Whenever he deems it expedient, the Auditor examines into the proceedings of any insurance company or savings bank in the State, and may by proper procedure cause them to suspend, if they have not complied with the essential requirements of the law.

State Treasurer.

98. This officer keeps an accurate account of the receipts and disbursements at the treasury and pays money only on warrants from the Auditor of State. Preceding the regular session of the General Assembly, he reports the condition of the treasury to the Governor, and, with the advice and approval of the Executive Council, he may name one or more banks in the city of Des Moines in which drafts, checks, and certificates of deposit received by him may be deposited.

Superintendent of Public Instruction.

99. This officer has general charge of the educational interests of the State. Whenever called upon by any

school officer he renders him a written opinion upon any question of school law. He determines all cases appealed from the decision of County Superintendents. And he visits as many of the county institutes of the State as the other duties of his office will permit. Once in four years he publishes the school laws and amendments, with such notes, forms, rulings, and decisions as he thinks will be valuable to school officers. He may subscribe for a sufficient number of copies of some school journal published in the State to supply each County Superintendent with one copy. This journal must publish in its columns his official decisions as they are made. He makes an annual report to the Auditor of State, giving the number of children in each county between the ages of five and twenty-one years; he also makes a report to the General Assembly, at its regular session, embracing generally all matters relating to the condition and management of the common schools.

100. He is charged with the general supervision of the County Superintendents of the State. He meets them in convention at different points, and confers with them as to the best means of securing uniformity, efficiency, and the greatest excellency in the work of the common schools. That these conventions may be held to the best advantage, the State is usually divided into educational districts.

Supervision of
County Superin-
tendents.

QUESTIONS.

1. What documents are entrusted to the Secretary of State?
2. What must he do at the close of each session of the General Assembly?

3. Who performs the duties of Register of State land office?

4. Name other duties which the Secretary of State performs.

5. What are the duties of State Auditor?

6. What are the duties of State Treasurer?

7. What are the duties of the Superintendent of Public Instruction?

8. Why does he meet the County Superintendents in conventions?

LESSON XIII.

EXECUTIVE DEPARTMENT—CONTINUED.

Officers Appointed by the Governor.

101. The Fish Commissioner reports to the Governor, Fish Commis-
sioner. stating fully the conditions and needs of his department. He has charge of the State hatching house at Spirit Lake, and it is his duty to stock the waters of the State with fish, as far as the means available will permit. He holds his office for the term of two years, and if at any time it becomes vacant the Governor fills it by appointment.

102. With the advice and consent of the Senate, the Governor appoints three State Mine Inspectors Mine Inspectors. who devote all their time to the work of mine inspection. They must examine each mine in the State as often as the duties of their office will permit, and

cause the laws regulating mines and mining to be obeyed. That they may do so, it is lawful, at all times, for them to inspect the works, machinery, and general safety of any mine, and see that it is properly ventilated.

103. With the advice of the Executive Council the
Commissioners
of Pharmacy. Governor appoints three persons from among the most competent pharmacists of the State, who are the Commissioners of Pharmacy. They examine, either orally or by printed lists, each applicant who desires to retail or compound drugs and medicines. They must register in a suitable book the name and place of residence of each person to whom a certificate is granted.

104. Also with the approval of the same Council, the
State Board of
Health. Governor appoints nine persons, one of whom is the Attorney General of the State, one a civil engineer, and seven physicians, who constitute the Board of Health for the State. As a Board of Health these persons have the general supervision of the health and life of the citizens of the State; have charge of the quarantine regulations; must prepare forms for the record of marriages, births, and deaths; and make such sanitary regulations and investigations, from time to time, as they may deem necessary for the preservation and improvement of the public health. The members of the Board receive no compensation, but the necessary expenses incurred in performing their duties are paid.

105. The State Librarian has the custody of the State
Librarian. Library and must give his personal attendance at the Library during the time it is kept open, performing such duties as are imposed upon him by law. He must prepare a complete catalogue of

the Library, label the books, and make a report of its condition to the Governor and General Assembly.

106. The Board of Curators of the State Historical Society consists of eighteen members, nine appointed by the Governor and nine elected by the members of the Society. This Society is located at Iowa City, and is connected with the State University. An annual appropriation of one thousand dollars is made by the Legislature to be expended by the Society in collecting a library of books, manuscripts, papers, painting, statuary, and other materials, preserving and illustrating the history of the State; to rescue from oblivion the memory of its pioneer settlers; to revive statements concerning their exploits, perils, and adventures; to secure history relative to our Indian tribes; to make a faithful exhibit of Iowa's past and present resources; and to aid the various enterprises for such purposes which are within the powers and duties of the Society.

107. The Superintendent of Weights and Measures must be appointed from among the professors of the State University. He holds office at the pleasure of the Governor and must give a bond in the sum of five thousand dollars. He has charge of the standards adopted, keeps them in a building provided for them, and must see that they are safely kept and in no case removed. He provides the counties of the State with standards, balances, and other means of adjustment as they may order, and as often as once in ten years he must compare the same with those in his possession. He must deliver to his successor everything in his possession belonging to the office.

108. Whenever his judgment so dictates, the Governor appoints a commission of three competent persons

to investigate the relations of any State officer to his office. If these committeemen so report, Investigate Officials. the Governor suspends such officer until a full investigation can be had. Should he deem it advisable, he causes the bond of any State officer to be increased or a new bond to be given. Four times a year he must see that the books, accounts, vouchers, and funds in the hands of the State Treasurer are inspected, and he may cause similar inspection of other State officials to be made.

•109. The Governor appoints and commissions Notaries Public. Notaries Public in each county in the State and, at any time, may revoke such appointment. Before receiving his commission, each Notary must procure a seal, execute a bond in the sum of five hundred dollars and file it with the Secretary of State. A Notary Public has the power to administer oaths, protest notes, take acknowledgments of deeds and other instruments that must be put on record. He should keep a correct record of each notice of protest issued by him, with the time and manner of issuing the same, with the name of each party to whom issued, together with a copy of the instrument sent.

110. All vacancies in the Board of Trustees of the Other Vacancies. Iowa Reform School are filled by the Governor by appointment. Also, when vacancies occur in the College for the Blind, they are filled by the Governor provided the General Assembly is not in session. The Governor fills all vacancies that may occur in the office of Warden of either penitentiary. And if at any time he becomes convinced that said official is negligent of his duties, he must remove him and appoint another.

QUESTIONS.

1. State what is said about the Fish Commissioner.
 2. By whom are the Mine Inspectors appointed?
 3. What are their duties?
 4. By whom are the Commissioners of Pharmacy appointed?
 5. State their duties.
 6. What persons compose the Board of Health?
 7. How do they become members of this Board?
 8. What are their duties?
 9. What are the duties of the State Librarian?
 10. How many members of the State Historical Society?
 11. How do they become members?
 12. State fully the object of this Society.
 13. What is said about the Superintendent of Weights and Measures?
 14. What is the duty of the Governor in regard to the investigation of State officials?
 15. How do Notaries Public receive their commissions, and what are their duties?
 16. State what is said about filling vacancies.
-

LESSON XIV.

EXECUTIVE DEPARTMENT—CONTINUED.

Officers Appointed by the Governor—Continued.

111. The Adjutant General holds his office at the pleasure of the Governor. It is his duty to issue and

transmit all orders sent to him by the Commander-in-Chief, and keep a record of all orders, regulations, and appointments of officers made by the Governor. He performs the duties of Quarter-master-general except in times of war or great public danger. He has charge of the arsenal grounds; he may appoint, with the consent of the Governor, an Ordinance-Sergeant, who assists him in the discharge of his duties; and he furnishes, at the expense of the State, such blanks and forms as the Commander-in-Chief approves. He resides at the capital of the State. Preceding each regular session of the General Assembly, he makes a report to that body on all matters pertaining to his office, as required by law.

112. With the consent of the Executive Council, the Governor appoints the members of the Railroad Commission; one member is selected each year prior to the first of April. This Commission consists of three persons, each of whom continues in office for the term of three years. If a vacancy occurs at any time, it is filled by the Governor and the Executive Council. No person who owns bonds, stock, or property in any railroad, or has any pecuniary interest in one, is eligible to the office of Commissioner.

113. These Commissioners have the general supervision of all railroads in the State, and it is their duty to inquire into any neglect or violation of the laws by the railroad corporations. They must carefully inspect the condition of each railroad in the State, examine its equipments, its conduct, and management with reference to public safety and convenience. They must examine railroad bridges, and report their condition to the company. They must report to

the Governor once each year facts, statements, and explanations, such as to show the system of transportation and its relations to the business prosperity of the State. The Commissioners have their office in the city of Des Moines.

General Provisions.

114. The Governor, Lieutenant Governor, and Superintendent of Public Instruction are elected Election; Office Furnished, etc. in odd-numbered years; the Secretary, Auditor and Treasurer of State in even-numbered years, and all for the term of two years and until their successors are elected and qualified. Their offices must be at the seat of government, and they are furnished with fuel, lights, blank-books, furniture, and any other thing necessary to enable them to perform their duties promptly and efficiently. Their books must be kept open for the inspection of the public, and the office of Treasurer must be inspected by the Governor every quarter.

115. The Governor and Lieutenant Governor execute Bonds. no bond. The bond of the Secretary of State is for a sum not less than five thousand dollars, and is filed and recorded in the State Auditor's office. The Auditor's bond is for a sum not less than ten thousand dollars, and the Treasurer's for not less than three hundred thousand dollars. The bond of the Superintendent of Public Instruction is for the sum of two thousand, that of each Mine Inspector two thousand, and of each Railroad Commissioner ten thousand. These are filed in the office of Secretary of State.

The Executive Council.

116. The Governor, Secretary, Auditor, and Treasurer of State, or any three of them, constitute the Ex-

ecutive Council. They furnish the County Auditors with printed directions and blank forms for the proper taking of the census. They keep a journal of all their acts, and have the custody of all State property not otherwise provided for. They furnish light, fuel, blank-books, postage, and furniture to the State officers, and all other things necessary to a speedy and efficient execution of their duties. They let to the lowest responsible bidder the contract for providing stationery for the General Assembly, the public officers, and the Supreme Court. They let the contract for the publication and sale of the Supreme Court reports. They assess the property of all railway corporations in the State, and classify all the railroads. They approve the bonds of the Treasurer of the Reform School, and that of the College for the Blind.

117. The Executive Council constitutes the State Board of Canvassers, and as such they canvass the votes cast in the State elections; but no member thereof can take part in canvassing the votes for any office for which he is a candidate. They make a statement showing the number of ballots cast for the nominees of each office, and issue the certificates of election to those who receive the greatest number of votes.

118. As a State Board of Equalization, it is the duty of the Executive Council to increase the valuation of counties assessed below their proper valuation by the County Boards of Supervisors by such per cent. as will increase them to that standard. Likewise, they deduct from those valued too high such percentage as will reduce them to the same standard. They also determine the rate of State tax to be levied

and collected. They keep a record of their proceedings. The Auditor of State, by virtue of his office, is secretary of the Board.

QUESTIONS.

1. State the duties of the Adjutant General.
2. Where does he reside, and for what length of time does he serve?
3. What is said of the appointment, number, and length of term of the Railroad Commissioners?
4. How are vacancies filled, and who is excluded from being a Commissioner?
5. State fully the duties of the Commissioners.
6. What officers are elected in odd-numbered years?
7. What officers are elected in even-numbered years?
8. How long do they serve, and where do they have their offices?
9. With what is each one furnished?
10. State the amount of the bond of each officer.
11. Where are these bonds filed?
12. What persons constitute the Executive Council?
13. State their duties as such.
14. What are their duties as the State Board of Censors?
15. As the State Board of Equalization?
16. Who is secretary of the Board?

LESSON XV

JUDICIAL DEPARTMENT

1. SUPREME COURT; 2. OFFICERS OF THIS COURT; 3. DISTRICT COURT; 4. OFFICERS OF THIS COURT.

119. The Judicial power of the State is vested in the Supreme and District Courts, and such other courts as the Legislative bodies establish. The Constitution provides that there shall be an Attorney General and County Attorneys. They must prosecute or defend in all cases in the Supreme Court and District Courts wherein the State is a party.

The Supreme Court.

120. The Supreme Court* is permanently located at Des Moines, and holds four terms each year. There are five judges, the one having the shortest time to serve before the expiration of his term is Chief Justice. Unless three judges are present no business can be transacted, but a smaller number may adjourn from day to day, to a particular day, or until the next term. If all the Judges fail to attend on the first day of the term, the clerk must place the fact on record and adjourn the court to the following day. And so on till the fourth day, when, if none of the Judges appear, the court must stand adjourned till the next term. The

Where Held.
Number of Judges,
etc.

* It is the duty of the Sheriff of the county in which this Court is held, to attend it the same as he does the District Court. If he cannot do so, then his deputy must perform the duties.

records must in all cases show what the decision is whether made by a full bench, and if any Judge dissents, that must be shown also.

121. One Judge of the Supreme Court is chosen at the general election in each odd-numbered year. The number of Judges being increased to five, the provision was made for the election of one Judge in 1876 and another in 1878, and every sixth year following these years.

122. The Supreme Court has appellate jurisdiction only in chancery cases; it is a court for the correction of errors at law in cases properly brought up to it on writs of error from the District Court; it has power to issue all writs and processes necessary to secure justice to parties; it also exercises supreme control over all the inferior tribunals of the State. Its decisions are final, except in cases requiring the construction of the Federal Constitution or statutes. It has power to enforce its mandates by fine and imprisonment. Some member of this court always administers the oath of office to the Governor and Lieutenant Governor.

OFFICERS OF THIS COURT.

1. ATTORNEY GENERAL; 2. CLERK; 3. REPORTER.

Attorney General.

123. It is the duty of this officer to attend at the seat of government during the sessions of the General Assembly and the Supreme Court; to prosecute or defend in all cases, in the Supreme Court in which the State is a party to the suit; and when requested by the General Assembly, Gov-

ernor, or Executive Council, he must appear in any suit wherein the State is an interested party. He must give his opinion in writing upon all questions submitted to him by either House of the Legislature, by the State officers, by the Executive Council or any County Attorney. It is his duty to examine the certificates of any insurance companies formed in the State; he may bring an action to close up any insurance company; and may bring proceedings against any life insurance company or bank association in the State.

124. The Attorney General is elected by the people
 Election and Bond. at a general election in even-numbered years for the term of two years. He must give a bond for a sum not less than ten thousand dollars.

Clerk of the Supreme Court.

125. The Clerk must have his office at the seat of
 Duties. government, and keep a full record of all the proceedings of the court, and must not permit any written opinion of the court to be taken from his office. He may administer oaths, must docket and arrange the causes as they are filed, giving due notice thereof.

126. He is elected for the term of four years at a
 Election. general election of the people, in each fourth year, beginning with 1874. He must file a bond in a sum of not less than ten thousand dollars.

Reporter of Supreme Court.

127. This officer is chosen at the same time and for
 Election and Duties. the same length of term as the Clerk, and must file a bond for the same amount. He

must furnish the publishers of the Supreme Court reports with a copy of the opinions of this court, accompanied with a syllabus of each opinion, together with a brief statement of the facts involved and the leading propositions made by the counsel.

QUESTIONS.

1. In what bodies is the Judicial authority vested?
2. Where is the Supreme Court held?
3. How many terms each year are there?
4. What is the number of Judges of the Supreme Court, and who is Chief Justice?
5. How many Judges does it take to transact business?
6. What may a smaller number do?
7. What is done if none of the Judges attend the first day? The second? Third? Fourth?
8. What must the records show?
9. When are the Judges elected?
10. In what cases has this court appellate jurisdiction?
11. What powers has it and what of its decisions?
12. State fully the duties of the Attorney General.
13. What of his election and bond?
14. What are the duties of the Clerk of the Supreme Court?
15. What are the duties of the Reporter?

LESSON XVI.

JUDICIAL DEPARTMENT—CONTINUED.

District Court.

128. During his term of office the District Judge is not eligible to any other office except that of Judge of the Supreme Court, and he must be a resident of the district* for which he is chosen. The Constitution establishes the District

Cannot Hold
Other Office,
Jurisdiction.

* The State is divided into eighteen judicial districts, with Judges, as follows:

First—Lee and Des Moines, two Judges.

Second—Lucas, Monroe, Wapello, Jefferson, Henry, Davis, Van Buren and Appanoose, three Judges.

Third—Wayne, Decatur, Clarke, Union, Ringgold, Taylor and Adams, two Judges.

Fourth—Cherokee, O'Brien, Osceola, Lyon, Sioux, Plymouth, Woodbury, Harrison and Monona, three Judges.

Fifth—Dallas, Guthrie, Adair, Madison, Warren and Marion, three Judges.

Sixth—Jasper, Poweshiek, Mahaska, Keokuk, Washington and Louisa, three Judges.

Seventh—Muscatine, Scott, Clinton and Jackson, three Judges.

Eighth—Johnson and Iowa, one Judge.

Ninth—Polk three Judges.

Tenth—Dubuque, Delaware, Buchanan, Blackhawk and Grundy, three Judges.

Eleventh—Marshall, Story, Boone, Webster, Hamilton, Hardin, Franklin and Wright, three Judges.

Twelfth—Bremer, Butler, Floyd, Mitchell, Worth, Cerro Gordo, Hancock and Winnebago, two Judges.

Thirteenth—Clayton, Allamakee, Fayette, Winneshiek, Howard and Chickasaw, two Judges.

Fourteenth—Buena Vista, Clay, Palo Alto, Kossuth, Emmet, Dickinson, Humboldt and Pocahontas, two Judges.

Fifteenth—Pottawattamie, Cass, Shelby, Audubon, Montgomery, Mills, Page and Fremont, four Judges.

Sixteenth—Ida, Sac, Calhoun, Crawford, Carroll and Greene, two Judges.

Seventeenth—Tama and Benton, one Judge.

Eighteenth—Linn, Jones and Cedar, two Judges.

Court, which is both a court of law and equity ; it has original and exclusive jurisdiction of civil as well as criminal causes, when not otherwise provided. All appeals from inferior courts must be tried in this Court. When the matter has been presented to a Judge of this Court, as directed by law, it is his duty to establish a Board of Arbitration for the settlement of disputes between employers and employees.

Provisions Relating to the District Court.

129. At least four terms a year of this Court must be held in every county of the State. The
Terms, Time,
etc. Judges of each district determine the times and places of holding court. District Judges serve for the term of four years, the first election under the new plan being in 1886.

130. Judges may, on account of sickness, or some
Adjournment and
Change of Trial. sufficient cause, adjourn court to another specified date. If the county in which the court is held is a party to the action, or if the Judge is directly interested in it, or is related to the parties, it is his duty to grant a change of trial. District Judges may hold court for each other.

Provisions Relating to Judges of all the Courts.

131. A Judge of a court of record cannot practice as an attorney at law, or give advice in relation to any action in court, or about to be brought there. And a Judge who is a party to a suit, or related (within the fourth degree) to either party to the suit, is disqualified from acting as such.
Restrictions.

132. A Judge is not required to give bond, but he must subscribe to an oath in effect as follows :
Oath. That he will support the Constitution of

the United States and that of the State of Iowa, and that without fear, favor, affection, or hope of reward he will, to the best of his ability and knowledge, administer justice according to the law, equally to the rich and poor.

133. The Judge of any court is authorized to administer oaths, solemnize marriages, and take acknowledgments of any instruments in writing. It is the duty of the Judges of courts of record to be conservators of peace, and when any one of them resigns, such resignations must be made to the Governor. Under proper hearing, which satisfies a Judge that a boy or girl is a fit subject for the Reform School, he must commit such person by warrant into the care of the officers of that institution. But no one can be sent there who is under the age of seven, or of unsound mind. In case it is shown a Judge that the parents of any child are dead, or are habitual drunkards, or are imprisoned for crime, or have neglected to provide for their child, or have abandoned it, if he thinks the welfare of the child demands it, he must surrender it to the Home of the Friendless.

134. A Judge may be a witness for either party to the suit, but in such a case it is proper for him to order that the trial take place before some other Judge.

135. Should any Judge or Justice of the Peace stir up any quarrel or suit between persons, with the intent to injure them, the punishment is a fine not to exceed five hundred dollars, and the offender is answerable to the injured party for three times the damage done. Should any one falsely act as Judge or Justice of the Peace, or require any one to aid him in the duties of such office, his punishment is a fine and imprisonment.

QUESTIONS.

1. To what other office is a District Judge eligible?
2. What instrument establishes this court and what is its jurisdiction?
3. What is the number of terms of this court?
4. When and for what length of term are District Judges chosen?
5. In what cases may a Judge adjourn court.
6. What of Judges exchanging districts?
7. What restrictions are placed upon Judges?
8. Repeat the oath of Judges.
9. State fully the powers and duties of a Judge.
10. May a Judge be a witness?
11. What punishments may be inflicted upon a Judge or Justice of the Peace?

 LESSON XVII.

JUDICIAL DEPARTMENT—CONTINUED.

OFFICERS OF THIS COURT.

1. COUNTY ATTORNEY; 2. CLERK; 3. SHORT-HAND REPORTER;
4. SHERIFF.

County Attorney.

136. The County Attorney must appear in court for the State or county in any cause to which either is a party. He should prosecute all violations of the liquor law. It is his duty to collect and pay to the proper officer all money due the State or county. The Grand Jury may ask his advice in any legal matter, require him to examine witnesses, to issue

Duties.

subpœnas and to draw up bills of indictment. When requested to do so, he advises the county officers relative to their official duties. County Attorneys are elected in even numbered years beginning with 1886.

Clerk.

137. Generally, in the appointment of administrators, approval of bonds and reports, and in making many orders relative to the settlement of estates, the Clerk has the same powers as the Judge. He can neither act as Justice of the Peace nor be an attorney-at-law while he is Clerk. His office must be at the county seat, and he or his deputy must attend all the sessions of the court, have the care of the records, papers and seal thereof, and to keep the records in accordance with the law and the instructions of the Judges. He must keep a Record Book, Judgment Docket, Fee Book, Sale Book, Incumbrance Book, and Appearance Docket. In the last one he enters suits in the order in which they are filed with him, setting out the names of both parties to the cause.

Short-Hand Reporter.

138. This officer is appointed by the Judge. There is one for each court. He takes an oath to perform his duties faithfully. He attends such sessions of court as the Judge directs. He must take in writing the oral testimony in civil causes, when it is requested by either of the parties; in all criminal cases tried upon indictment; and in other criminal trials, if the Judge thinks that the interests of either party demand it.

Sheriff.

139. The Sheriff or his deputy must attend the session of the District Court, and when the requisite number of Jurors cannot otherwise be obtained, he must select from the bystanders a sufficient number of persons to fill the vacancy. If the Judge orders that the Jurors be supplied with food or lodging, it is the duty of the Sheriff to provide it for them at the expense of the county.

Duties.

QUESTIONS.

1. What is the duty of the County Attorney in regard to appearing for the State or county?
2. When must he give his opinion?
3. When is he elected?
4. What is his bond?
5. State fully his duties.
6. State fully the duties of the Clerk of the Court.
7. How many Short-Hand Reporters are there?
8. What of their appointment, oath, and duties?
9. What are the duties of the Sheriff?

LESSON XVIII.

THE JURY SYSTEM.

140. Any voter who possesses a good moral character, sound judgment, and the sense of hearing and seeing, is competent to be a Juror.

Qualifications and
Exemption.

A person who is sixty-five years of age, or is a teacher, instructor, or professor in any institution of learning, a clergyman, attorney, or physician, or an officer of the State or the United States, is privileged from serving as a Juror unless he desires to do so.

141. The Judge may excuse one selected for a Juror from serving as such for any of the following reasons: the sickness or death of one of his family; or where his own interests or those of the public will be greatly injured by his attendance.

142. One who is lawfully chosen to act as Juror and fails to attend according to the summons, and also fails to send a sufficient excuse, may be fined. And if he neglect or refuse to pay such fine, he may be imprisoned.

143. The Judges of Election having been informed by the Sheriff of the county of the number of Jurors to which their election precinct is entitled, make out two lists of names and send them to the County Auditor. One of these lists consists of the names of seventy-five persons from whom the Grand Jurors are selected. The other list, of not less than one hundred and fifty persons, from whom the Trial Jurors are chosen. These persons are apportioned among the townships or voting precincts according to the number of votes cast at the preceding election.

144. The Auditor writes each of these names on a slip of paper and puts the slips into a box kept for that purpose, and at least twenty days before a term of court the Jurors are drawn. From this box the Clerk of the court draws out, one at a time, a sufficient number to fill the panel of the Jury. The

Trial Jury consists of fifteen members in counties containing less than fifteen thousand inhabitants, unless otherwise ordered by the Judge, and of twenty-four in those containing fifteen thousand or more. They are selected for only one term of court, and cannot be required to serve more than two terms in one year. The number of Grand Jurors is five in counties whose population does not exceed sixteen thousand, and seven in those having more than this number. These Jurors serve a full year beginning with the term of court following the first day of January.

145. At the beginning of a suit in court, the Clerk
Filling up the Jury Box. selects by lot the requisite number of Trial Jurors from those who make up the regular panel. Either party has the right to object to any Juror. Such objections are called challenges and are of two kinds: "for cause," that is, that in some way the Juryman is disqualified from serving; or "peremptory;" in this the challenging party gives no reason for his objection. For a challenge of the first class the Judge excuses or does not excuse the Juryman from serving, as his judgment may direct. He always excuses for challenges of the second class, which are limited in number. After the challenges have been exhausted and the Jury box filled, the Jurymen are sworn and the trial proceeds in its regular order till it is completed. The arguments by the attorneys are then heard. After which the Judge instructs the Jurors as to the law and places them under the care of a sworn officer, called Bailiff. They retire with the officer for deliberation, and must either agree or disagree upon a verdict; this is reported to the Court.

146. If at any time during the trial the Jurymen separate, it is their duty not to converse with other persons concerning any subject connected with the suit. It is the duty of the Grand Jury to inquire into all offenses committed within the county, and if they are indictable, present the persons committing them to the court by indictment. If one of their number knows or has reason to believe that such public offense has been committed, it is his duty to report it to his fellow Jurors, who must enter into an investigation of the same. From the number summoned as Grand Jurors, the Judge appoints one to act as foreman and to swear the witnesses.

147. The Grand Jury selects a clerk from their number who must make a minute of the proceedings and of the evidence given before it. The Clerk of the Court issues subpoenas summoning witnesses to testify before the Grand Jury. A witness may be compelled to obey the summons, and may be punished for disobeying it. Should he refuse to answer a question, the Grand Jury must proceed with him into the court room, and, distinctly stating the refusal to the Judge, await his decision. A Grand Juror shall not be questioned for what he may have said, or for any vote he may have cast, unless he has committed perjury. For this offense he may not only be questioned, but may be punished.

148. The Grand Jury must especially inquire into the following :

1. Any one who is confined in the county jail on a criminal charge.

2. Into the management and condition of any public prison in the county.

3. Into the willful misconduct in office of any county officer.

4. Into obstructed highways.

149. And in no case can an indictment be found otherwise than by the concurrence of four
Indictment. when there are five Grand Jurors, or five when there are seven. And when a bill or indictment has thus been found, it must be endorsed a "true bill," and signed by the foreman.

QUESTIONS.

1. Who is competent to be a Juror, and who is privileged from serving as such?

2. When may a Juror be excused from serving?

3. What of the failure to attend when chosen as a Juror.

4. State what is said of returning lists to the County Auditor.

5. Upon what basis is the apportionment made?

6. State what is said about drawing Jurors.

7. What is the number of Jurors?

8. What about filling up the jury-box and challenging Jurors?

9. State all you can about the trial, and the retirement of the Jurors.

10. What are the duties of Jurors?

11. State all that is said about the powers of Grand Jurors.

12. Into what offenses must the Grand Jury especially inquire?

13. What of the finding of the Grand Jury and the indictment?

150.

Reference Table.

ANNUAL SALARIES OF OFFICERS.

Members of either body of the General Assembly (See par. 59) \$	550
Speaker of the House of Representatives	1,100
Governor	3,000
Governor's Private Secretary	1,500
Lieutenant Governor (and mileage as a Legislator)	1,100
Secretary of State	2,200
Deputy Secretary of State	1,500
Auditor of State	2,200
Deputy Auditor of State	1,500
Treasurer of State	2,200
Deputy Treasurer of State	1,500
Superintendent of Public Instruction	2,200
Deputy Superintendent of Public Instruction	1,500
Fish Commissioner	1,200
Inspectors of Mines, each	1,200
Secretary of the Board of Health, not to exceed	1,200
State Librarian	1,000
First Assistant Librarian	600
Second Assistant Librarian	500
Superintendent of Weights and Measures	50
Adjutant General	1,500
Ordnance Sergeant	500
Railroad Commissioners each	3,000
Judges of the Supreme Court, each	4,000
*Attorney General	1,500
Clerk of the Supreme Court	2,200
Deputy Clerk of the Supreme Court	1,500
Supreme Court Reporter	2,000
Judges of the District Court, each	2,500
†County Attorney, not less than	300
Short Hand Reporter, not to exceed per day	6
Commissioners of Pharmacy receive:	
From each person whom they register and furnish a certificate,	2
From each person examined	5

* Whenever the Attorney General is required to attend any of the courts of the State, or the Federal Courts in any State, he receives, in addition to his salary, five dollars for each day's attendance, with mileage

† The salary of County Attorney cannot exceed five hundred dollars in counties containing only five thousand inhabitants; six hundred in those containing over five thousand and less than ten thousand; seven hundred and fifty in those containing over ten thousand and less than fifteen thousand; nine hundred in those containing over fifteen thousand and less than twenty thousand; one thousand in those containing over twenty thousand and less than thirty thousand; and one thousand five hundred in those containing over thirty thousand. In some suits fees and actual expenses attending the trial are allowed. The adjustment of this officer's salary is made by the Board of Supervisors.

DIVISION TWO.

LESSON XIX.

CIVIL GOVERNMENT OF THE COUNTY.

The Outline.

II. County.--A. Legislative: 1. Board of Supervisors.

B. Executive: 1. Board of Supervisors.
 2. County Treasurer.
 3. County Auditor.
 4. County Superintendent.
 5. County Clerk.
 6. Sheriff of the County.
 7. County Recorder
 8. County Attorney.
 9. County Surveyor.
 10. Coroner.
 11. Officers appointed.

C. Judicial: 1. District Court.

County.

152. In the county organization we find the same departments as in the State: A, Legislative; B, Executive; C, Judicial.

153. The State is divided into ninety-nine counties.

Divisions of the
State.

It was intended that each county should contain sixteen townships, but for various reasons there are many exceptions; some counties contain more, and some less in number.

154. The city or town located nearest the center is usually the county seat. At this place the courts are generally held and the county

County Seat.

offices located. Besides these, many other advantages combine to make it the center of influence and wealth.

155. The distribution of powers, in a measure, is the same in the county as in the State.

Distribution of Powers.

Whilst the divisions are not distinctly marked, there is in a sense a division into departments; Legislative, Executive, and Judicial. The powers of the different departments are sometimes vested in the same officer, thus showing a tendency to centralization. In some instances the members of the Board of Supervisors execute the laws; in others, they sit as a court. The same is true of the County Superintendent, and some other officers.

156. County officers are elected for the same time and for the same period as the State officers, with this exception: each member of the Board of Supervisors holds for three years.

Election and Term of Office.

LEGISLATIVE.

Board of Supervisors.

157. All Legislative powers of the county are lodged with the Board of Supervisors. As the General Assembly may enact no law contrary to the Constitution of the State, so the members of the Board must follow the statutes as far as directed by them. But their jurisdiction includes an important part of the local government, which is not directly reached by statute, and herein they exercise their power to legislate. As the General Assembly establishes and maintains State institutions, so does the Board the county institutions. The State officers report to the Legislative bodies; the county officers to the Board of Supervisors. As the State is divided by the Legislators into districts for the

Power to Legislate.

election of Senators and Representatives, so may the county be divided by the Board of Supervisors into districts for the election of members thereof.

158. The Board of Supervisors consists of three qualified electors chosen by the voters of the county. No two of them shall be from the same township or district. At their first meeting in each year, the members of the Board must organize by electing one of their number chairman, who presides at their meetings, and has power to administer oaths concerning any matter before them. A majority of the Board is a quorum to transact business. The regular sessions begin on the first Monday in January, June, September, and the first Monday after the general election in each year. Special meetings may be called by the County Auditor upon the written request of a majority of the Board.

EXECUTIVE.

1. BOARD OF SUPERVISORS; 2. TREASURER; 3. AUDITOR; 4. SUPERINTENDENT; 5. CLERK; 6. SHERIFF; 7. RECORDER; 8. COUNTY ATTORNEY; 9. SURVEYOR; 10. CORONER; 11. OFFICERS APPOINTED.

Board of Supervisors.

159 The following are among the many *powers* of the Board: To purchase real estate* for the county when

* This gives the Board the power to establish, maintain, and control a poor house and farm. Poor persons who cannot support themselves, and fail to find support from their relatives or friends, may here find shelter, food, and clothing. No person can be admitted except upon the written order of a township Trustee or a member of the Board of Supervisors. The Board may bind out such children of the poor house as they think are likely to remain a charge upon the public. When any inmate becomes able to support himself the Board may order his discharge. Those who are inmates of the poor house may be required to do such work as their age and strength will permit. The expense of thus supporting the poor is paid out of the county treasury.

it is needed ; to see that county officers give bonds sufficient to insure the faithful performance of their duties ; to require them to make reports on subjects connected with their offices ; to have the care and management of the business and property of the county not otherwise provided for ; to fix the compensation of any county or township officer not provided by law ; to lay out, establish, alter, or discontinue any highway ; to build and repair bridges ; and to exercise over the poor all the powers given by law.

Powers of the Board.

160. The Board may submit to a vote of the people the question of building a court house in the county, also, whether stock shall run at large ; may contract for the support of the poor, if there is no poor house ; procure standard weights and measures ; appoint an inspector of lumber and shingles ; and designate a county sealer who holds his office at the pleasure of the Board.

Submit Questions, etc.

161. The following are among the many *duties* which the Board must perform : provide ballot boxes for each voting precinct ; secure a place for holding court when there is no court house ; furnish Justices of the Peace with dockets, and county officers with offices, lights, fuel, stationery, and whatever is necessary to a speedy and proper execution of their duties ; manage and control the school fund ; examine all accounts and settle all just claims against the county ; publish the proceedings of the Board ; and if any member resign, such resignation must be made to the County Auditor.

Special Duties.

QUESTIONS.

1. Do not fail to master the outline of the civil government of the county.
2. State what is said about the departments in the county organization.
3. About the division of the State into counties.
4. About the county seat.
5. State what is said about the distribution of powers.
6. What of the election and term of office of county officers?
7. With what body is the Legislative power vested?
8. What can you say of the power of the Board to legislate?
9. State what you can about the general provisions for the Board.
10. Name the Executive officers of the county.
11. What are the powers of the Board?
12. State fully the special duties of the Board.

 LESSON XX.

CIVIL GOVERNMENT OF THE COUNTY—CONTINUED.

Board of Supervisors—Continued.

162. The Board must keep the following books: 1. Minute Book ; in which decisions made by them and all orders for money are kept ;
- Books to be Kept.
2. Highway Record ; in which are recorded all proceed-

ings regarding highways ; 3. Warrant Book ; in which are entered the number, date, amount, and name of the drawee of every warrant drawn on the treasury.

163. It is the duty of the Board of Supervisors to equalize the assessment of taxes in the various townships of the county. This is done with a like effect, and substantially in the same manner, as that of the State Board of Equalization.

164. This Board also constitutes the County Board of Canvassers. As members of this Board, they meet at noon on Monday following the election and canvass the returns of the different townships of the county. They make an abstract of the number of ballots cast for each person. The vote cast is classified as follows, each class being on a separate sheet:

1. Governor and Lieutenant Governor ;
2. All State officers not otherwise provided for ;
3. Representatives in Congress ;
4. Senators and Representatives from the county in the General Assembly.
5. Senators and Representatives in the General Assembly by districts comprising more than one county ;
6. Judges of the District Court and County Attorneys ;
7. County officers.

County Treasurer.

165. The Treasurer receives all the money payable to the county, and pays it out only on warrants drawn and signed by the Auditor, and sealed with the county seal. He keeps an account of the warrants drawn on him, showing the number, date, drawee's name, when and to whom paid,

Duties.

the amount and interest paid on each, and makes a return thereof to the Auditor. He keeps a separate account of the State, county, school, and highway taxes.

166. On or before the fifteenth day of each month, the Treasurer must make a sworn statement of the amount of money in his hands on the first day of the month, and send it by mail to the State Auditor.

167. Twice each year, in April and December, unless otherwise ordered, he must remit to the State Treasurer all moneys in his possession belonging to the State.

168. At the regular meetings in January and June, he must make a settlement with the Board of Supervisors. Also, on going out of office, he makes a similar settlement, delivering up to his successor all books, papers, moneys, and property belonging to the office, and takes a receipt therefor.

169. The salary of the County Treasurer arises from two sources: on the certificates of purchase of land sold for taxes, and a certain per cent. of the money handled by him. When the amount arising from these sources exceeds twelve hundred dollars per annum, in counties where taxes are collected by township collectors, or fifteen hundred dollars in counties having no such collectors, the excess must be paid into the county treasury. But in counties whose population does not exceed ten thousand, the salary can in no case exceed thirteen hundred dollars. And in counties exceeding thirty thousand population, the members of the Board of Supervisors may allow such additional compensation as they deem just and proper.

County Auditor.

170. The Auditor is clerk of the Board of Supervisors. As such, it is his duty to record the proceedings of that body ; to enter on record all acts regarding the raising of money and paying it out ; to sign all orders for the payment of money issued by the Board ; and to record the reports of the County Treasurer. It is his duty to preserve all accounts acted upon by the Board. He sells or disposes of the session laws, or acts of the General Assembly, placed in his charge ; he sends to the Auditor of State an abstract of the votes of each election ; also an abstract of the census of the county. He makes out the apportionment of jurors to each election precinct, and sends it to the Sheriff ; he supplies each election precinct with poll books ; and he notifies the Governor if a vacancy occurs in the office of Senator or Representative. He keeps a record of the bonds of the county officers, and makes out the tax list, delivering it to the County Treasurer. This list includes the apportionment of taxes and the interest on the school fund. He also certifies to the Attorney General a list of those belonging to the militia.

171. The Auditor calls special meetings of the Board upon the written request of a majority of the members thereof. He must give each one a written notice stating the time, place, and object of the meeting.

172. The salary of the Auditor cannot exceed twelve hundred dollars, except in counties containing more than twenty-five thousand inhabitants. In such counties, the members of the

Duties.

Special Meetings
of the Board.

Compensation.

Board of Supervisors may grant such additional compensation as they think is right.

County Superintendent.

173. The County Superintendent must hold a Normal Institute for the instruction of teachers ;
Duties. he must publicly examine persons desiring certificates to teach ; must decide appeals from the decisions of Boards of Directors ; must visit the schools of the county ; and must have the general oversight of the school work throughout the county. In October of each year, he makes a report to the State Superintendent of Public Instruction containing a full abstract of the reports made to him by the Secretaries and Treasurers of the school districts in the county.

174. In the administration of his duties, the law vests
Discretionary Powers.. the Superintendent with large discretionary powers. He may revoke a teacher's certificate for any cause that would have justified him in withholding it. In the examination of teachers for certificates, it is the duty of the Superintendent not only to inquire into the literary qualifications, but into the moral character, ability to govern, and aptness to teach. In no department are there higher interests at stake than in that of the common schools. The teacher is a mighty factor in the formation of correct habits on the part of the pupil, of a love of right principles, of stability and firmness of character, and thus in the destiny of our Republic.

175. The County Superintendent receives four dollars
Compensation. for each day necessarily spent in performing the duties of his office. The members of the Board of Supervisors may allow him whatever additional compensation their discretion and judgment direct.

QUESTIONS.

1. What books are kept by the Board?
2. What duty must the County Board of Equalization perform?
3. State fully the duty of the County Board of Canvassers.
4. What are the duties of County Treasurer?
5. What sworn statement, and what remittances of money does he make?
6. What of his settlement with the Board of Supervisors?
7. What is the compensation of the County Treasurer?
8. State clearly and fully the duties of the County Auditor.
9. What is said about special meetings of the Board of Supervisors?
10. What is the compensation of the County Auditor?
11. What are the duties of the County Superintendent?
12. What of his discretionary powers?
13. What qualifications of the teacher should he inquire after?
14. What can you say of the influence of the teacher?

LESSON XXI.

CIVIL GOVERNMENT OF THE COUNTY—CONTINUED.

County Clerk.

176. This officer has many duties in addition to those stated in paragraph 137. He issues
Duties. license for marriage and keeps a record of the marriages, births and deaths. He issues subpoenas

for witnesses; certifies to the County Auditor the fees of Jurors; appoints guardians, administrators, and executors when the court is not in session; and is a member and the Clerk of the Commissioners of the Insane. When a case has been tried by a jury, the Clerk generally enters judgment, which must always be in accord with the verdict. If a judgment has been satisfied, or set aside, he should at once make the record show it.

177. It is the duty of any one having a will in custody to file it with the Clerk as soon as he hears of the death of the testator. The Clerk must then open and read the will, and appoint a day for proving it. This is called probating a will.

Wills.

178. The Clerk cannot receive more than eleven hundred dollars per annum, in a county whose population does not exceed ten thousand; nor more than thirteen hundred, when the population does not exceed twenty thousand; nor more than fifteen hundred, when the population does not exceed thirty thousand. In counties exceeding that number, the members of the Board of Supervisors may allow additional compensation not to exceed twenty-five hundred dollars. And in counties exceeding forty thousand, they may allow not to exceed thirty-five hundred dollars. But in addition to the above he may receive not more than three hundred dollars in fees collected by himself.

Compensation.

Sheriff of the County.

179. The duties of the Sheriff are various. He must give notice of any general election by publishing the Governor's proclamation ten days prior thereto. In taking private property for public purposes, in case the parties disagree, he must appoint a jury to assess the damages. He is primarily a peace officer, and must keep order and quiet in the

Duties.

community. And when there is a tumult, or riot, or imminent danger, he may call for the militia to assist in enforcing the laws. When a Jury is deliberating upon a case, he must supply them with food, as the Judge may direct.

180. The compensation of the Sheriff consists mostly of fees, which vary according to the labor involved in the performance of the duties. He is also allowed an annual salary, as the Board of Supervisors may determine; but it cannot exceed two hundred dollars.

Compensation.

County Recorder.

181. This officer must record in full, in accordance with the law, and as speedily as possible, all instruments filed with him for that purpose. The following are the principal instruments filed with him for record: Deeds, mortgages, chattel mortgages, satisfaction of mortgages, leases, releases, articles of incorporation, town plats, and powers of attorney.

Duties.

182. The salary of the County Recorder is derived from fees, as follows: Fifty cents for recording each instrument containing four hundred words; and ten cents for every additional hundred or fraction thereof.

Compensation.

County Attorney.

183. This subject having been fully treated in paragraphs 136, it is inserted here only to preserve the classification.

County Surveyor.

184. The County Surveyor makes all surveys of land when called upon. He must record his field notes and plats in a book for that purpose, furnished him by the Board of Supervisors.

Duties.

185. This officer receives four dollars for each day's work, and fifty cents for each plat or copy of the field notes made.

Compensation.

Coroner.

186. The Coroner must perform the duties of Sheriff when that office is vacant, or in cases in which the Sheriff is personally interested or prejudiced. He must hold an inquest upon the body of any person who dies in an unusual manner. It is his duty to select three electors of the county, who must act as Jurors at the inquest. He has the power to compel witnesses to be present and give testimony; and should he deem it advisable, he may summon one or more physicians to assist in the examination.

Duties.

187. The Coroner returns to the District Court a list of the witnesses, the written evidence as taken down by the Clerk during the inquest, and the written conclusion of the Jurors. If it is found that a crime has been committed on the body of the deceased, the conclusion of the Jury is sufficient to warrant the arrest of the offender.

Returns to the District Court.

188. The Coroner receives five dollars for each inquest taken and returned, and three dollars for the examination of a body without an inquest. He also receives mileage fees for each warrant, subpoena, or order issued by him; he is also paid for the distance which he travels.

Compensation.

QUESTIONS.

1. State clearly and fully the duties of the County Clerk.
2. What is said of wills?
3. What is the compensation of the County Clerk?
4. What are the duties of the Sheriff of the County?
5. When may he call for the militia?

6. What is his compensation?
7. State the duties of County Auditor.
8. Name the principal instruments filed with him for record.
9. What is his compensation?
10. What are the duties of the County Surveyor?
11. What is his compensation?
12. State fully the duties of Coroner.
13. What returns does he make to the District Court?
14. State the compensation which he receives.

LESSON XXII.

CIVIL GOVERNMENT OF THE COUNTY—CONTINUED.

OFFICERS APPOINTED.

COMMISSIONERS OF INSANITY.

189. In each county there must be a board of three Commissioners of Insanity. The County Clerk is one member of this board; the Judge of the District Court appoints the other two members, one of whom must be a lawyer, the other a physician. Each member serves for three years, and the term of one Commissioner expires each year.

190. These Commissioners have cognizance of all applications for admission to the Hospital, or for the safe keeping otherwise of insane persons within the county, except such cases as are specially provided for. They have the power to issue sub-

penas, and compel obedience thereto; to administer oaths; and to do any act necessary and proper in the premises.

General Provisions.

191. The Treasurer, Auditor, Clerk, Sheriff, and Recorder may select the newspapers in which they publish the business notices pertaining to their offices. And the Board of Supervisors selects those in which all other notices of county business are published.

192. At the general election in even-numbered years, the voters elect the Clerk, Recorder, County Attorney, and member of the Board; in odd-numbered years, the Treasurer, Auditor, Sheriff, Superintendent, Coroner, Surveyor, and member of the Board.

193. The bonds of the Treasurer, Auditor, County Attorney, and Clerk cannot be for a sum less than five thousand dollars, and each may be increased at the discretion of the Board. The Treasurer's bond is usually given for a large sum, often for more than one hundred thousand dollars. The amount of the bonds of the other officers is wholly under the control of the Board of Supervisors.

194. The Clerk, the Treasurer, Sheriff, Auditor, Recorder, and Surveyor may each appoint deputies, who must also file bonds.

195. Any county officer may be removed from office for habitual or willful neglect of duty, partiality, oppression, extortion, corruption, or willful mal-administration in office. Also he may be removed upon conviction of felony, or for not producing and accounting for all public funds or property in his care.

196. Each county officer must report any information in his possession regarding his office when called upon to do so by the Governor, or by either body of the General Assembly. All county officers must have their offices at the county seat. The Clerk, Sheriff, Auditor, or their deputies may administer oaths.

Duties.

197. Ladies may fill the offices of County Recorder and Superintendent.

JUDICIAL DEPARTMENT.

DISTRICT COURT.

198. Formerly each county had a Judicial department known as the County Court. The court named above now does the business which was done by the County Court.

The Justice of the Peace has jurisdiction in any part of the county, but since he is elected as a township officer, he is classified there.

We thus find that while there is sufficient judicial authority in the county, the officers thereof are elected by districts or townships.

QUESTIONS.

1. Who are members of the Board of Commissioners of Insanity?
2. How long do they serve?
3. What are their powers?
4. Who selects the newspapers in which to publish county business notices?

5. For what amount are the bonds of county officers given?
6. What of the appointment of deputies?
7. State what is said about the removal of county officers?
8. What is said about their duties in this lesson?
9. What offices may ladies fill?
10. What court did we formerly have in each county?
11. What court has taken the place of this one?
12. What is said about the Justice's Court?
13. What about the Judicial authority of the county?

DIVISION THREE.

LESSON XXIII.

CIVIL GOVERNMENT OF THE TOWNSHIP.

The Outline.

III. Township.—

- A. Legislative: 1. Township Trustees.
 2. School Board.
- B. Executive: 1. Township Trustees.
 2. Township Clerk.
 3. Township Assessor.
 4. Constable.
 5. Road Supervisors.
 6. School Officers.
- C. Judicial: 1. Justices of the Peace

Township.

199. In this part we find the same departments as in those we have studied: A. Legislative; B. Executive; C. Judicial.

200. As the State is divided into counties, and the
Divisions. counties into townships, so the townships
 are divided into smaller organizations.

The members of the School Board may divide the township into such sub-districts as in their judgment the educational interests demand; the Board of Trustees may divide it into as many road districts as may be necessary for the public good, and into two or more voting precincts to suit the convenience of the electors.

201. The distribution of powers in the township is much the same as in the county ; not distinctly marked as in the State, but sufficient to justify the same outlines. The powers of the different departments are vested in the Township Board of Trustees and the School Boards.

Distribution of
Powers.

LEGISLATIVE.

1. TOWNSHIP TRUSTEES ; 2. SCHOOL BOARDS.

This department is restricted in the same way as that of the county.

Township Trustees.

202. The number of this Board of Trustees is three. In the capacity of Legislators, they designate the place of holding elections and the number of voting precincts ; divide the township into road districts, and determine the amount of tax to be levied. And as a Board of Health, they have the power to make whatever regulations they deem necessary for the preservation of the health of the public.

Powers.

203. On a petition of a majority of the voters of the township, the Trustees may consolidate the road districts into one highway district. They may let the working of the highways to the lowest responsible bidder. Or they may appoint a Township Superintendent of Highway, with one or more assistants. This officer, under the direction of the Board, supervises part or all the work of keeping the roads in repair. Under this plan, no road funds can be paid out without the order and direction of the Trustees.

Consolidate Road
Districts.

School Board.

The School Board has Legislative powers and duties,

but these, with their other powers and duties, are treated of as a whole in the next lesson.

EXECUTIVE

1. TRUSTEES; 2. CLERK; 3. ASSESSOR; 4. CONSTABLE; 5. ROAD SUPERVISOR; 6. SCHOOL OFFICERS.

Township Trustees.

204. The Township Trustees are the overseers of the poor, fence viewers, and Board of Equalization. Thus they have the care and oversight of the poor, must settle disputes with regard to partition fences, and equalize the assessments of property. They make and deliver a list of the qualified voters of the township, which is known as the register of elections. They must keep a full record of their proceedings.

Duties.

205. Each member of the Board receives two dollars for every day he is engaged in official business. The wages vary for the different duties of committee work.

Compensation.

Township Clerk.

206. The Clerk is Secretary of the Board of Trustees and must keep an accurate account of their proceedings. He is a member of the Board of Registry, keeps a register of the elections, is one of the clerks of election, and after each election sends to the County Auditor a report thereof. He is Clerk of the Board of Health, approves the bonds of township officers (except his own), and makes and certifies to the highway tax list.

Duties.

207. He receives two dollars for each day engaged in official business. Part of his compensation arises from fees.

Compensation.

QUESTIONS.

1. Do not fail to master the outline on page 112.
2. What departments of government do we find in Division III?
3. What is said of the divisions in the township?
4. How does the distribution of powers compare with that of the county or State?
5. What is the number of Township Trustees, and what are their powers in the capacity of Legislators?
6. How may the road districts be consolidated?
7. What provision may then be made for working the highway?
8. Name the Executive officers of the township.
9. Make a clear statement of the duties of Township Trustees.
10. What is their compensation?
11. What are the duties of the Township Clerk?
12. What is his compensation?

 LESSON XXIV.
CIVIL GOVERNMENT OF THE TOWNSHIP—
CONTINUED.

Township Assessor.

208. Every tenth year, the Assessor takes the census of the township and sends it to the County Auditor. This began in 1875. Each year he lists every person in his township and assesses all

Duties.

personal property except what is exempted from paying taxes. Every other year he assesses the real property. He returns all persons subject to military duty, and the names, age, and sex of all soldiers' orphans.

209. He receives two dollars for each day's
Compensation. work.

Constable.

210. The Constable is subject to all lawful demands
of the Justice of the Peace, and serves
Duties. any process legally directed to him by the
Township Trustees, Clerk, Coroner of the county, or
any Court. As the Sheriff is the Executive officer of
the District Court, so is the Constable of the Justice's
Court. But the Sheriff may also act as Executive officer
of this court.

211. The compensation of this officer is wholly made
Compensation. up of fees.

Road Supervisor.

212. There is one Highway or Road Supervisor for
each road district. And as such he must
Require Work. require all able-bodied persons between the
ages of twenty-one and forty-five to perform two days'
labor on the highway. In every case he should give
three days' notice; also, when the work is completed,
he signs and delivers a certificate or road receipt, show-
ing that the work has been done.

213. It is his duty to keep the roads in as good
repair as the funds in his hands will per-
mit. And if proper notice has been given
him, he is liable for damages when he neglects to repair
a highway or bridge.

214. Each Supervisor receives two dollars for every day necessarily spent in performing the duties of his office.

Compensation.

School Officers.

215. There are three classes of School Boards. The first is the District Township Board; the district township usually embraces the territory of the civil township, which is divided into sub-districts. Each of these districts elects annually one Sub-Director; these Sub-Directors together make up the School Board of the township. As the number of sub-districts in the various townships differ, so does the number of members of the various School Boards. The second is the Independent District, in which the Board consists of three members in districts whose population is less than five hundred; and six members when it exceeds this number. The third is the Board of the Independent* District of the Township. In this the whole civil township is embraced in one independent district. By this plan there are three members of the School Board when the population of the township is less than five hundred, and six when it exceeds that number. The members are not chosen from the sub-districts, but from the township at large.

School Boards.

216. Each Board organizes by choosing a President,

* "The plan of making each civil township an independent district, governed by a board of directors chosen from the township at large, is, in many respects, the best system yet devised. It reduces the number of school officers, provides for gradual changes in the board, secures uniform taxation for the support of schools throughout the township, encourages the establishment of graded schools for advanced scholars, and tends to the selection of teachers according to the qualifications and work required in each particular case."—Remarks on school laws by State Superintendent of Public Instruction.

Secretary, and Treasurer. In the District Township, the Treasurer and Secretary may be chosen from the members of the Board, if that consists of five or more in number. Otherwise, these officers must be chosen from persons outside the Board. In the Independent District and the Independent District of the Township, the Treasurer must always be chosen outside the Board. If the population of the district is less than five hundred, the Secretary may or may not be chosen from the Board; in other cases, he must be chosen outside.

217. It is the duty of the President to preside at all meetings of the Board, to call special meetings, to sign all orders for money, sign all contracts made under the direction of the Board, and concur with the Sub-Director in dismissing a pupil from school.

218. It is the duty of the Secretary to give notice of the township meeting, notify the County Superintendent when each term of school will begin, and make an annual* report to him. He

* The annual report of the Secretary contains the following items :

1. The number of persons, male and female, each, in his district, between the ages of five and twenty-one years.
2. The number of schools and branches taught.
3. The number of pupils and the average attendance in each school.
4. The number of teachers employed, and the average compensation paid per week, distinguishing males from females.
5. The length of school in days, and the average cost of tuition per week for each pupil.
6. The text-books used, and the number of volumes in the district library, and the value of apparatus belonging to the district.
7. The number of school houses and their estimated value.
8. The name, age, and post-office address of each deaf and dumb, and each blind person within his district between the ages of five and twenty-one.

issues and signs all orders made by the Board, certifies the amount of taxes levied to the Board of Supervisors, and makes an accurate record of all the proceedings of the Board.

219. The Secretary receives such compensation for his services as the Board allows.

220. The Treasurer receives and has charge of all funds of the district; keeps an account of money received and paid out, showing to which fund it belongs; pays out money only on order signed by the President and Secretary; makes a statement of the finances to the Board; and sends an annual* report of it to the County Superintendent.

221. The Treasurer receives such compensation as the Board allows.

222. Whilst the electors of the district have only such powers as are specially given them by the statute, the School Board is vested with large discretionary powers, which should be used without partiality and with the greatest care. The admission of pupils from other districts, the amount of taxes to be levied, the adoption of rules for their own government, the limitations placed upon the Sub-Directors in making contracts, the establishment of graded or union schools, the erection of new school houses, the creation of other sub-districts, are all either partially or wholly discretionary powers of the Board.

* The annual report of the Treasurer embraces the following:

1. The amount of teachers' fund held over, received, paid out, and on hand.
2. The amount of contingent fund held over, received, paid out, and on hand.
3. The amount of school house fund held over, received, paid out, and on hand.

223. The School Board must provide six months school in every district unless excused by the County Superintendent; hold regular meetings in March and September; make contracts to carry out the vote of the district; change school-books not oftener than once in three years, unless ordered to do so by the electors; draw no order on the Treasurer for money till the claim is audited and allowed; and make a levy of the amount of money needed for the maintenance of the schools.

Duties.

QUESTIONS.

1. What are the duties and what is the compensation of the Assessor?
2. What are the duties and what is the compensation of the Constable?
3. How many Road Supervisors are there?
4. What must the Supervisor require?
5. What is his duty in regard to keeping the roads in repair?
6. When is he liable for damages?
7. What is his compensation?
8. State clearly and fully what is said about School Boards.
9. What is said about the President, Treasurer, and Secretary?
10. What are the duties of the President? Secretary? Treasurer?
11. What is the compensation of Secretary? Treasurer?

12. What powers are either partially or wholly discretionary with the Board?

13. What are the duties which the Board must perform?

LESSON XXV.

CIVIL GOVERNMENT OF THE TOWNSHIP— CONTINUED.

School Officers—Continued.

SUB-DIRECTOR.

224. There are many duties which fall immediately upon the Sub-Director. He must give notice of the sub-district election, take the enumeration of the children of his sub-district and report it to the Secretary of the School Board. He must visit the school twice each term, and have the general oversight of the school as to the order and decorum of the pupils. Perhaps the most important of all is selecting the teacher and drawing up the contract. The contract must be in writing, signed by the teacher, Sub-Director, and approved by the President of the Board. It is the duty of this officer, under such rules and restrictions as the Board may prescribe, to make all necessary contracts for providing fuel for his school, employing a teacher, repairing and furnishing the school house, and for making all other provisions necessary for the convenience and prosperity of the school. This, however, must be done strictly in accordance with the rules and restric-

Duties

tions of the Board. He may be limited to a certain class of teachers; for example, those who hold first-grade certificates, or male, or female teachers, and other like restrictions.

TEACHER.

225. Before entering upon his duties the Teacher must obtain a certificate from the County Superintendent which, together with the contract, should be presented to the President of the Board and the contract approved by him. It is important that this be done. It often occurs that a Teacher loses pay on account of some irregularity which a little care would easily prevent. The Teacher must keep a register of the pupils, showing the names, ages, and their daily attendance. A certified report must be made to the Secretary of the Board before the order for the Teacher's wages can be drawn.

Duties.

General Provisions.

226. One Township Trustee is elected at the general election in each year. He serves for the term of three years. In even-numbered years, each township elects a Clerk, two* Justices of the Peace, Assessor, two Constables, and a Road Supervisor for each road district, each of whom serves for the term of two years. The election of Sub-Directors occurs on the first Monday in March of each year; that of Directors of independent districts, on the second Monday. Sub-Directors serve one year, while in independent districts the Directors serve three years.

Election and
Term of Office.

227. The Bonds of the Clerk, Assessor, Constables,

* Additional Constables and Justices of the Peace may be elected in each township if the Trustees so direct.

and Justices of the Peace are fixed by the Board of Supervisors but those of the Constables and Justices cannot be for a less sum than five hundred dollars. The Secretary and Treasurer of the School Board must give such bonds as the Board of Directors requires.

JUDICIAL.

Justices of the Peace.

228. There are two Justices in each township. In civil suits, the jurisdiction extends to any part of the county except when specially restricted. In criminal causes, the Justice has jurisdiction of all cases less than felony committed within the county, in which the greatest punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days. When an offense has been committed which is beyond the jurisdiction of the Justice, and the offender is brought before him on arrest, it is the duty of the Justice to make a preliminary examination of the offense. If the facts and evidence are such as to warrant it, he must bind the offender over to the District Court, in such bail as the statutes direct and his judgment suggests.

229. If a jury is demanded in any trial which the Justice has the power to dispose of, he must grant it. A Justice of the Peace may perform the marriage ceremony; send a boy or girl convicted of crime to the Judge to be ordered to the Reform School; and under certain conditions, he may send a child to the Home of the Friendless.

QUESTIONS.

1. Name four duties of the Sub-Director.

2. What is perhaps the most important of all his duties?
3. State what is said about the contract.
4. What duties must he perform under the rules and restrictions of the Board?
5. To what may the Board limit him?
6. Make a clear and full statement of the duties of the Teacher.
7. When are township officers elected?
8. For what length of time does each one serve?
9. When are Sub-Directors and Directors elected?
10. For what length of term do they serve?
11. What township and school officers give bonds and for what amount?
12. How many Justices are there in each township?
13. What is the jurisdiction of the Justice in civil suits? Criminal? Preliminary informations?
14. When does the Justice grant a jury trial
15. What powers has the Justice?

DIVISION FOUR.

LESSON XXVI.

CIVIL GOVERNMENT OF CITIES AND TOWNS.

The Outline.

IV. City or Town.—

A. Legislative: 1. City or Town Council.

B. Executive: 1. Mayor.
2. Assessor.
3. Marshal.
4. Treasurer.
5. Clerk or Recorder.
6. Other Officers.

C. Judicial: 1. Mayor's Court.
2. Police Court.
3. Superior Court.

Cities and Towns.

230. People collect in cities and towns, and for the densely populated districts thus formed, the township government is not sufficient. To insure ordinary safety a police force must be employed, and the streets lighted; in many cities, water works and fire departments are maintained at great expense; side-walks are built, and great precaution is taken for the health of the citizens. In the larger cities, street railway lines are established and must be regulated; in some, ferry lines must be controlled; drunkenness must be suppressed as far as possible; while

vice and crime require constant attention. In almost every respect, a stronger government is required in cities and towns than in the township.

231. In order to meet these increased demands, such cities and towns, after they are incorporated, are vested with special and extensive powers. The articles of incorporation in this State are issued under a general law by the General Assembly, and are equivalent to a city charter. They are deposited with the Secretary of State.

232. A city of the *first class* is one whose population is fifteen thousand or more ; a city of the *second class* exceeds two thousand, but not fifteen ; an *incorporated town* is one whose population is less than two thousand. Towns and villages not incorporated do not have any special powers, but are governed as a part of the township.

233. In the analysis of the government of cities and towns the former classification of powers is continued, viz.: A. Legislative, B. Executive ; C. Judicial.

LEGISLATIVE.

City or Town Council.

234. This department is composed of a Town or City Council, which consists of six persons in incorporated towns ; of two from each ward, in cities of the second class ; of two from each ward, with two at large, in cities of the first class.

235. The Councilmen have many powers. It takes a majority of their number to constitute a quorum. They determine the rules for their own proceedings ; are judges of the qualification

and election of their own members ; may compel the attendance of absent members ; elect a temporary chairman ; and appoint a City Clerk, who has charge of all the laws and ordinances and keeps a journal of the Council's proceedings.

236. The Council must procure a seal for the city ;
General Control of the City or Town. may organize fire companies ; establish a city watch, or police ; must have the care of all public squares or commons ; control and keep in repair all streets, alleys, and bridges within the city ; may construct and regulate wharves, docks, piers, and fix the rate of fares ; and has the exclusive right to establish and license any ferry within the city. It is the Board of Equalization of taxes for the city ; it may establish a Board of Health, an Infirmary for the poor, a House of Refuge and Correction, and a Work House. The Council manages and controls the finances and property of the city ; determines when and where to hold its meetings ; calls special meetings ; and possesses all the Legislative powers granted a city or incorporated town.

General Provisions.

237. In cities of the first and second class, the Mayor
Term of Office, etc. holds his office two years ; in incorporated towns, one year. In any case he must be a resident of the town or city, keep his office at some convenient place, and have charge of the corporate seal. Every Councilman, whether in a town or city, serves for the term of two years, and must reside within the limits of the corporation.

238. The compensation of officers arises from fees for work done, or else is determined by the Council.
- Compensation.

QUESTIONS.

1. Fix firmly in mind the outline on page 125.
2. Why is there need of stronger government in cities and towns?
3. How are these increased demands met?
4. State all you can about the articles of incorporation of cities or towns.
5. Make a clear statement of the classification of cities and towns.
6. How are towns and villages, not incorporated, governed?
7. What is the classification of powers?
8. Of what does the City or Town Council consist?
9. What powers have the Councilmen?
10. State fully what is said of their control of the city or town.
11. How long does the Mayor hold his office?
12. Where must he reside, and where does he keep his office?
13. How long does a Councilman serve?
14. What is said about the compensation of city officials?

LESSON XXVII.

CIVIL GOVERNMENT OF CITIES AND TOWNS —
CONTINUED.

EXECUTIVE.

1. MAYOR; 2. ASSESSOR; 3. MARSHAL; 4. TREASURER; 5. CLERK OR
RECORDER; 6. OTHER OFFICERS.

Mayor.

239. The Mayor presides at the meetings of the Council; has charge of the corporate seal; signs all commissions, licenses, permits, and acts of the Council which require his signature. He is the chief executive officer of the city, and as such, it is his duty to see that all ordinances and regulations of the Council are enforced. It is his duty to suppress disorder and riots, and to perform such duties as the Council may require of him.

240. Should the office of Mayor at any time become vacant, the Council must call a special election, and appoint some one to fill the vacancy till the election occurs.

Assessor.

241. The duties of this officer are the same as those of the township Assessor. In cities containing ten thousand inhabitants or more, the people have the right to elect one, two, or three Assessors, as the needs of the city demand.

Marshal.

242. In incorporated towns and cities of the second class, the Marshal is appointed by the Council. In cities of the first class, he is chosen by the electors. He executes any process of the Mayor; arrests persons accused of crime; has the same powers as a Constable; and is the principal ministerial officer of the city or town. In cities, whether of the first or second class, the duties of the Marshal are about the same, and are greater than in incorporated towns. He attends the sittings of the Mayor's Court; suppresses riots, disturbances, and breaches of the peace; arrests disorderly persons, also those fleeing from justice and brings them before the Mayor or other officer for trial.

Treasurer.

243. It is the duty of the Treasurer to receive and safely keep all funds belonging to the town or city, and pay out money only on order from the proper authorities. He must give a bond in such sum as the Council may require.

Clerk or Recorder.

244. The Clerk or Recorder has the custody of all public records, documents, ordinances, resolutions, and orders of the Council, and it is his duty to keep a correct journal of all its proceedings. He is provided with a seal, which is affixed to all transcripts, orders, or certificates authenticated under the laws of the State, or the ordinances of the city.

Other Officers.

245. In cities of either class, the people elect a Elected by the People. Solicitor, who must prosecute or defend in all suits to which the city is a party. In cities of the first class, they elect a Civil Engineer, Police Judge, Street Commissioner, and a Superintendent of Markets, who perform such duties as the laws or the city ordinances direct.

246. Besides those that have been mentioned, Appointed by the Council. provision has been made for the selection and appointment of many other officers, such as the Council deems necessary for the good government of the town or city.

JUDICIAL DEPARTMENT.

1. MAYOR'S COURT; 2. POLICE COURT; 3. SUPERIOR COURT.

Mayor's Court.

247. As a General Duties and Powers. Judicial officer, the Mayor is a magistrate and conservator of the peace, and has the same jurisdiction as a Justice in any civil or criminal matter arising under the laws of the State, or the ordinances of the city. If no Police Judge has been elected, the Mayor must exercise all the powers of such Judge. He may solemnize marriages, arrest persons fleeing from justice, may consent to the adoption of a child, and may surrender a boy or girl to the Home of the Friendless. He supervises the conduct of the city officials, examines into reasonable complaints, and causes violations and neglect of duty to be corrected or reported for punishment.

Police Court.

248. Each Police Judge has the same powers in all criminal cases as does a Justice of the Peace. This is a Court of Record, and must be provided with a seal by the City or Town Council. The compensation of the Police Judge may be a salary fixed by the Council; and in all criminal proceedings in behalf of the State, he receives the same fees as a Justice of the Peace; if he act for the city, he receives such compensation as may be fixed or allowed by the Council.

Superior Court.

249. In cities containing seven thousand inhabitants, the question of the establishment of a Superior Court may be submitted to an election of the people by the City Council. In making this submission, care must be taken to fulfill the requirements of the law. If two-thirds of all the votes cast are in favor of the establishment of such Court, it is then established, and takes the place of the Police Court. This Superior Court has concurrent jurisdiction with the District Court, except wherein the latter has exclusive jurisdiction.

QUESTIONS.

1. Name the officers of the Executive department.
2. State fully the duties of Mayor.
3. How is a vacancy in the Mayor's office filled?
4. What are the duties of the Assessor?
5. How is the Marshal chosen and what are his duties?
6. What are the duties of the Treasurer? What of his bond?

7. What other officers are elected and what are their duties?

8. What of the power of the Council to appoint other officers?

9. Name the Courts belonging to the Judicial department.

10. As a Judicial officer, what are the duties and powers of the Mayor?

11. What is the jurisdiction, and what is the compensation of a Police Judge?

12. State what is said about the establishment of Superior Courts?

13. What is the jurisdiction of the Superior Court?

LESSON XXVIII.

SYSTEM OF SURVEYS.

250. Since some of the Southern and all of the Western states are laid out according to the United States surveys, the main features of the system are here given. It is important, simple, and practical.

251. There are many *principal meridians* with their *base lines*; some are named, others numbered. Each one embraces the same principles as are found in the Fifth, the one from which lands in Iowa, Minnesota, and Missouri are surveyed. This meridian, commencing at the mouth of the Arkansas River, extends north and south; its base line,

Principal Meridians;
Base Lines.

beginning at the mouth of the St. Francis River, runs west.

252. Where the base line and the meridian cross is the starting point. Beginning with the Ranges and Townships. base line, the first row of townships on either side of the principal meridian extending north or south, forms range I; that on the east, number I east; that on the west, number I west: the second row, range II; and so on as far as that principal meridian extends. The townships in the first row on either side of the base line extending east or west from the Fifth principal meridian, form number 1; those on the north, number 1 north; those on the south, number 1 south; the second, number 2; and so on as far north or south as the survey extends.

253. Each township is six miles square. Thus township 6 north, range V west, (Figure one,) Description of Township. is thirty miles north of the base line, and twenty-four miles west of the principal meridian; and the description is given thus: Township 6 N., Range 5 W. of Fifth P.M. The description always shows whether it is township north or south, range east or west of the principal meridian.

254. From the fact that the meridians come nearer and nearer together as we go north, the Correction Lines. townships are not perfect squares. The southern line is longer than the northern. This difference increases as we go north (Figure 1). In Iowa, it is about a half rod to the mile. This necessitates correction lines upon which township corners are placed, six miles apart, as upon the base line. Beginning with the base line, the correction lines are twenty-four miles apart on the north, and thirty on the south.

255. Each township contains thirty-six sections, section one being always in the north-east corner. From this they are numbered west six sections, thence east six sections, thence west again, and so on till all are numbered. (Figure 2.)

256. Each section (except those that are fractional) contains six hundred and forty acres and is divided into quarters: north-east, north-west, south-east, south-west; or N.E., N.W., S.E., S.W. (Figure 3.) Each of these contains one hundred and sixty acres. Again these quarters are divided and each part contains eighty acres. The dividing line extends north and south, and the divisions are known as the east $\frac{1}{2}$, and west $\frac{1}{2}$. (Figure 4.) Each quarter section may be cut into quarters or forties; and the divisions are described as the N.E. $\frac{1}{4}$, N.W. $\frac{1}{4}$, S.E. $\frac{1}{4}$, and S.W. $\frac{1}{4}$ of the quarter section. (Figure 4.) Thus we see with what regularity and certainty the divisions are made. Suppose we have the part of section 1, in township 6 north, range V west, which is marked thus*. It is in the south-west $\frac{1}{4}$ of the section; by another division we find it is the south-west $\frac{1}{4}$ of the quarter section; and we have the following description; S.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of section 1, Township 6 N., Range 5 W. of Fifth P.M., containing forty acres. (Figure 4).

257. However, in business, the divisions into eighties and forties is sometimes different from the ^{Different Division and Description.} United States surveys. In this the eighties lie north and south, being twice as long as broad. But as often occurs, a man owns two forties on the north or south as shown in Figure 4. The description in such cases is usually given as follows: N. $\frac{1}{2}$ of N.E. $\frac{1}{4}$, or S. $\frac{1}{2}$ of N.E. $\frac{1}{4}$. It may, however, be stated strictly in accordance with the United States surveys: N.W. $\frac{1}{4}$ and N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$; or, if it be the south forties, the S.W. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$.

QUESTIONS.

1. What states are laid out according to the United States Survey?
2. What is said about principal meridians and base lines?
3. Where does the Fifth principal meridian begin
4. Where does its base line begin?
5. Where is the starting point?
6. State clearly what townships forms range I. Range II. Range III.
7. What is township 1? Township 2? Township 3? etc.
8. What is the extent of each township?
9. Describe the townships in Figure 1, marked thus: *, †, §.
10. What does the description always show?
11. Explain fully what is said about section lines.
12. What is the plan of numbering the townships?
13. How may each section be divided?
14. What section is set apart for school purposes?

15. What is the description of each section?
16. What further divisions may be made. and what is the description?
17. Give the description of the tract marked thus* in Figure 4.
18. Explain fully how the divisions sometimes differ from the United States surveys?
19. Give the description in such cases.
20. What is the description of the same tracts according to the United States survey?

DIVISION FIVE.

LESSON XXIX.

STATE INSTITUTIONS.

258. Among the states in the Union which have been most liberal in establishing institutions for learning, and in providing for the unfortunate classes within their borders, Iowa stands well to the front. Perhaps no State surpasses her in a wisely generous support of such institutions.

The interests of education are fostered by ample appropriations for the State University, the Agricultural College, and the Normal School. The blind, deaf, and dumb, and the orphans of the Union soldier, are all provided for with a generous hand. The unfortunates are gently cared for, and find pleasant homes at the Insane Asylum and the Institution for the Feeble-Minded. Institutions for reformation and restraint are maintained and guarded with solicitous care by the State.

State University.

IOWA CITY, JOHNSON COUNTY.

259. By an act of the Federal Congress, 1840, the Secretary of the Treasury was directed to set apart and reserve for sale a large quantity of land for the support of a University when the Territory should become a State.

Grant Made by the
Federal Congress.

260. The first General Assembly of the State, in 1841, established the University at Iowa City "with such other branches as public convenience may hereafter require." In 1849, two branches of the University were established, one at Fairfield, the other at Dubuque. Both of these were on equal footing with the one at Iowa City. Provision was also made for three Normal Schools: one at Andrew, another at Oskaloosa, and the third at Mt. Pleasant. The first two were organized, the last one was not.

261. The University struggled through hardship after hardship until 1858, when it was closed till its income would meet current expenses. It was opened again, in September, 1860, under the supervision of a new faculty. The first class of graduates was in 1863. The Law Department was opened at the beginning of the year 1868, the Medical Department a year later, and the Military in 1874.

262. The Board of the Regents of the University consists of the Governor of the State, the President of the University, the Superintendent of Public Instruction, and one member from each of the eleven congressional districts of the State. The first three are members by virtue of the official positions which they hold; the others are elected at a joint session of the two Houses of the General Assembly. This Board is empowered to grant diplomas and confer degrees; besides this, they have the general management of the institution.

263. The object of the University is to supply the people of the State with the best means of obtaining a thorough, liberal education in all the departments of art, science, and literature, with

their applications. A close connection is sought with the public schools, since the University relies largely upon them for its supply of students. The governing power of the institution is vested in the President and the Faculties of the different departments.

264. There are five departments : 1. The College, which embraces four courses : Classical, Philosophical, Scientific, and Engineering ; 2. The Law, which requires two years for its completion ; 3. The Medical ; 4. The Homeopathic Medical ; 5. The Dental.

Agricultural College and Farm.

AMES, STORY COUNTY.

265. This was established by a Legislative act in 1858. In 1862, the Federal Government made a grant to the State of two hundred and forty thousand acres of land for the support of an Agricultural College and Farm. In 1864, the State made an appropriation for the erection of suitable buildings, which were completed in 1868. The Farm consists of about eight hundred acres of fine farming land.

266. Each county has the right to send three pupils to attend the College. If there is then capacity for others, the Trustees admit them from the different counties of the State in proportion to their population. Many counties do not send as many as three and, so, others are permitted to send more than their proportion. Tuition is free to all residents of the State over sixteen years of age. The interest of the fund arising from the sale of land furnishes the college with abundant means of support.

267. The object of this institution is to give higher

education to the industrial classes. There are four schools: Agriculture, Engineering, Veterinary Science, and Domestic Economy. It requires four years to complete the courses of the first two schools, and two years for the others. Besides these schools, there is much work required in the following lines of study: Literature and Language, Mathematics and Physics, Chemistry, Biology, Philosophy, and Military Science.

Object.
Schools.

State Normal School.

CEDAR FALLS, BLACKHAWK COUNTY.

268. In 1876, the General Assembly established the State Normal School, and required the Trustees of the Soldiers' Orphans' Home at Cedar Falls to put the property in their charge into the care of the Trustees of the new institution. The new Board organized in the June following, and made as rapid preparations as possible by refitting the buildings and grounds and procuring teachers. On the 6th of September, the first term was opened.

Establishment.

269. The School is managed by a Board of six Trustees, two of whom are elected at each regular meeting of the General Assembly, the two Houses being in joint session. It is the duty of the Trustees to carry out the object for which the School was established. They employ the instructors, have the care and expenditure of the funds of the institution, make regulations for the government of the School, establish rules for the admission of pupils, direct changes and improvements in the buildings and grounds, and make a detailed report each year to the Superintendent of Public Instruction.

Board of Trustees.

270. The special object of the Normal School is to supply the young men and young women of the State with a course of thorough instruction and ample training that will prepare them for efficient work as teachers in the common schools. Doubtless it will thus become more and more a beneficial factor in the great educational interests of the State. There is no more stable foundation for a great commonwealth than the proper education of the youth. The common schools are the greatest factor in this education, and the State does wisely in adopting careful and proper measures for bettering and upholding them.

271. The instruction and training in this school embrace two courses of study: Scientific, and Didactic. It requires four years to complete the former course, and three years the latter. Great care has been exercised in the preparation of these courses. To make such arrangement of the branches, to make their completion so thorough and so broad, to make the preparation such that it will best fit the teacher for the duties of the various grades of school work is one of the immediate objects of the institution.

QUESTIONS.

1. What is said of the provision Iowa has made for State institutions?
2. What grant was made to the State University by the Federal Congress?
3. What about the establishment of the University?
4. What is said of its reorganization?
5. What persons make up the Board of Regents?
6. What powers has this Board?
7. What is the object of the University?

8. Who has the governing power?
9. How many, and what are the departments?
10. When was the Agricultural College and Farm established?
11. What grant of land did the Federal Government make?
12. What about attendance and tuition at this College?
13. What is the object of this institution?
14. How many Schools are there? What are they?
15. State all you can about the establishment of the Normal School.
16. By whom is the Board of Trustees elected?
17. What are the duties of the Board?
18. What is the object of the Normal School?
19. What of the courses of study?

LESSON XXX.

STATE INSTITUTIONS—CONTINUED.

Institution for the Deaf and Dumb.

COUNCIL BLUFFS, POTTAWATTAMIE COUNTY.

272. This institution was first established at Iowa City, in 1855. It was afterward removed to its present location and, in 1870, a part of the building was completed and occupied. The report sent to the Governor each year by the Superintendent shows that the number of deaf mutes increases

Establishment and
Object.

with the growth of the State. The object of this school is the training and education of all the deaf and dumb children of the State. The older pupils are instructed in such trades as are there taught. In the workshops, on the farm, and in various other ways, they receive a very practical training.

273. The general supervision of the Institution is under the control of a Board of Trustees Board of Trustees. which provides teachers and performs whatever is necessary to render the Institution efficient, and to carry out the purposes of its establishment. This Board consists of three persons, one being elected by the General Assembly at each regular session.

College for the Blind.

VINTON, BENTON COUNTY.

274. In 1852, Mr. Samuel Bacon, a blind gentleman, Establishment and Control. established at Keokuk the first institution in Iowa for the instruction of this class of persons. A year later, by an act of the Legislative bodies, this institution was adopted by the State, removed to Iowa City, and, in April, was opened for the reception of the blind. In 1862, a building being almost completed at Vinton for this institution, it was removed thither, and in October the College was opened with twenty-four pupils. The Institution is under the control of a Board of six Trustees elected by the General Assembly. This Board provides teachers, servants, and all things necessary to carry out the object of the Institution.

275. All blind persons, residents of the State, of suitable age and capacity, are entitled to an education at this institution, at the ex-
Object.

pense of the State. Persons not residents of the State may receive all the benefits arising from this school by the payment of such sum of money as the Legislative bodies direct, provided the admission of such person does not exclude residents of our own State. There is also a school of industry in connection with the College, where pupils may learn different trades and occupations.

Soldiers' Orphans' Home.

DAVENPORT, SCOTT COUNTY.

276. To Mrs. Annie Wittenmeyer, a patriotic lady, belongs the honor of starting the move-
Establishment. ment which resulted in the founding of this most beneficent institution. At her invitation a large number of persons from all parts of the State met in convention at Muscatine, October 7th, 1863. The object of the meeting was to devise measures for the support and education of the orphans of the soldiers of Iowa who had gone forth at their country's call to maintain the Nation's unity. An organization was effected and officers chosen. At a meeting in March, 1864, the Trustees took steps to secure a suitable building, donations, and other things necessary for opening up the Home. The work was pushed with so much vigor that on the 13th of July a committee of the Trustees announced that the institution was ready for the admission of children. In six months from the opening seventy children had been admitted, and many others had made application for admission.

277. The Home was supported by contributions from the people up to 1866, when the State
Divisions. took charge of it and made arrangements

for Homes in different counties. One was located at Cedar Falls, another at Glenwood, and the third at Davenport. In a few years, the one at Cedar Falls turned over everything under its control to the Trustees of the State Normal School, while the buildings and grounds of the one at Glenwood were appropriated for the use of the Institution for the Feeble-Minded. In 1876, by an act passed by the General Assembly, all the orphans at these two places were removed to the Home at Davenport.

278. Besides caring for and educating soldiers' orphans, the Board of Trustees may now receive into the care and privileges of the Home such destitute children as, in their judgment, should be admitted. The Board consists of three persons, appointed by the General Assembly. They have the government and management of the Home. They enact such laws and rules for its regulation as they deem proper. Perhaps in no institution in the State has the work of women shown to better advantage, or secured more lasting good. Throughout the history of the Home, they have taken an active and honorable part, and won laurels not surpassed by the soldier on the field of battle.

Hospitals for the Insane.

MT. PLEASANT, HENRY COUNTY ; INDEPENDENCE, BUCHANAN COUNTY; CLARINDA, PAGE COUNTY.

279. In 1855, an act was passed by the Legislature establishing a Hospital for the Insane, and commissioners located it at Mt. Pleasant. It was not formally opened till March, 1861. In three months, one hundred patients were admitted.

280. In 1868, the General Assembly passed a bill providing for another Hospital. A site near Independence was chosen, and soon the erection of the building was commenced. In April, 1873, it was ready for occupancy, and in four years the inmates numbered three hundred and twenty-two.

281. In 1884, the Twentieth General Assembly enacted a bill providing for a third Hospital, which has since been located by the commissioners at Clarinda. The same Legislature made an appropriation of \$150,000 to meet the expense incurred in building the Hospital.

282. These Hospitals are under the management of different Boards of Trustees. Each Board consists of five members, elected at a joint session of the General Assembly. They have the general control and management of the Hospitals, make all by-laws for their government, appoint Medical Superintendents, stewards, and matrons, and inspect the Hospitals four times a year. The object of these institutions is to provide places for safely keeping those who are insane, and are fit subjects for custody and treatment in such hospitals.

QUESTIONS.

1. State what is said about the establishment of the Institution for the Deaf and Dumb.
2. What are the duties of the Trustees, and how are they elected?
3. Give the history of the establishment of the College for the Blind.
4. What is the object of this College?

5. What about the establishment of the Soldiers' Orphans' Home?

6. How was this Home at first supported? How now?

7. State all you can about the location of the Home at first.

8. What is the object of this Institution?

9. How is it managed and controlled?

10. What of the connection of women with the Home?

11. What is said of the establishment and location of the Hospitals for the Insane?

12. How are the Hospitals governed, and what is the object of their establishment?

LESSON XXXI.

STATE INSTITUTIONS—CONTINUED.

Institution for Feeble-Minded Children.

GLENWOOD, MILLS COUNTY.

283. In 1876, a bill passed the General Assembly providing for the establishment of an
Establishment. Asylum for Feeble-Minded Children. The buildings and grounds of the Orphans' Home at Glenwood were placed in charge of the Trustees of the new institution. As soon as practicable, the Trustees put the building in condition for receiving occupants, appointed a Superintendent, and in September of the same year, had the institution in readiness for the admission of chil-

dren. It opened with five pupils. In a little more than a year this number increased to eighty-seven.

284. The purposes of this institution are to train, instruct, support, and care for feeble-minded children, admitting those between the ages of seven and eighteen. The Asylum is managed by a Board of Trustees, consisting of three persons elected by the General Assembly. This Board appoints a Superintendent, who, under their direction, manages the finances, and superintends the training and instruction of the inmates.

Industrial School.

ELDORA, HARDIN COUNTY; MITCHELVILLE, POLK COUNTY.

285. This School was organized in 1868, at Salem, Henry County. The building and grounds belonging to White's Iowa Manual Labor Institute at this place, were temporarily leased by the Trustees of the Reform School. In 1872, the Trustees made a permanent location at Eldora, appropriations for building purposes were made by the General Assembly, and thither the School was soon moved. Since that change, a department of the School for girls has been established at Mitchelville, Polk County.

286. Both departments of the School are under the management and control of the same Board of Trustees, consisting of five persons elected at a joint session of the General Assembly. These Trustees appoint such officers for the institution as their judgment directs, make all rules and by-laws for its regulation, see that its affairs are properly conducted, and that strict discipline is maintained.

287. The object of this School is the reformation of boys and girls between the ages of seven and sixteen years. When such persons have been convicted of crimes, or of being disorderly, they may be sent here, where they will be instructed in piety and morality, and in the branches of useful knowledge best adapted to their capacity and age. They are also trained in mechanical, manufacturing, or agricultural pursuits. It is the especial duty of the Superintendent and the other officers to discipline, govern, and instruct the children, using their best endeavors to reform them, and assist them in forming moral and industrious habits.

Penitentiaries.

FORT MADISON, LEE COUNTY; ANAMOSA, JONES COUNTY.

288. The first Penitentiary of Iowa was established at Fort Madison, by the Territorial Legislature in 1839. The citizens of this city executed a deed for a tract of ten acres, upon which the buildings are located. The main buildings were completed in 1841, and when finished according to the plan of the Directors had room sufficient for the imprisonment of one hundred and thirty-eight inmates.

289. There is another Penitentiary at Anamosa, which was opened for the admission of convicts in 1873. This is located on a tract of fifteen acres, within the limits of the city. Its object, government and control, are the same as at Fort Madison. The object in maintaining these institutions, is to provide a place for the safe keeping of convicts sentenced for any period of time.

290. There are two Wardens, one in each Peniten-

tiary, who have full control, subject to the Governor, who may remove them for negligence of duty or malfeasance in office. Each one is elected at a joint session of the General Assembly, and holds his office two years. He is the general financial and superintending agent of the institution, and is responsible for its government, regulations, and for the disbursement of all money in relation to the prison. It is his duty to see that the laws and disciplinary rules and regulations of the institution are faithfully executed by the under officers, and obeyed by the convicts.

291. The Warden at each Penitentiary appoints the following officers to assist in the management of the prison: Clerk, Deputy Warden, Guards, Chaplain, Steward; and, with the concurrence of the Governor, he selects a Physician.

292. Upon receipt of a certificate from the Warden, showing that a prisoner at the expiration of his sentence, has violated no rule of the Penitentiary, the Governor must restore such person all the rights of citizenship lost by his conviction and sentence. The term of service of any prisoner may be shortened by such behavior. This reduction is one day for the first month, two days for the second, three days for the third, four days for the fourth, and five days for each month thereafter. The Warden must keep a record of the conduct of every prisoner, and no one can receive this reduction unless his conduct merits a clean record.

The Iowa Soldiers' Home.

MARSHALLTOWN, MARSHALL COUNTY.

293. The General Assembly of 1886 passed an act establishing the Iowa Soldiers' Home. The object is to provide a home and sub-

Wardens.

Other Officers.

Citizenship. Diminution of Sentence.

Establishment and Object

sistence for all honorably discharged soldiers, sailors and marines of the United States who are disabled by disease or otherwise. But no one can be admitted to this Home unless he has been a resident of the State for three years preceding his application, unless he served in an Iowa regiment, or was accredited to this State. The Home is under the control of a Board of Trustees, consisting of six members appointed by the Governor with the consent of the Senate. The Home when finished is to accommodate not less than one hundred and fifty nor more than three hundred inmates.

Bonds of the Treasurers of State Institutions.

294. The bond of the Treasurer of the State University must be in the sum of not less than \$50,000; that of the Treasurer of the Agricultural College, as well as the Iowa Soldiers' Home, for twice the highest amount of money likely to be in his hands at any one time, with such securities as the Executive Council may require. The bond of the Treasurer of the State Normal School must be for a sum of not less than \$20,000, with proper and sufficient securities; while that of the Treasurer of the Institution for the Deaf and Dumb is given for such sum as the Board of Trustees may direct, being approved by the Executive Council. The Treasurer of the College for the Blind must give a bond for a sum not less than \$30,000, to be approved by the Executive Council. The bond of the Treasurer of the Soldiers' Orphans' Home must be for whatever sum the Board of Trustees requires; and that of the Treasurer of either department of the Hospital for the Insane for double the amount likely to be in his hands at any one time. The bond of the Treasurer of the Asylum for

Feeble Minded Children must be given for whatever sum the Board requires; while that of either department of the Reform School must be in an amount sufficient to be approved by the Executive Council. The bond of either Warden of the Penitentiaries must be for the sum of \$50,000, and approved by the Governor of the State, with not less than five free-holders as securities.

Each of these bonds, when given, is conditioned upon the faithful performance of all duties imposed, and the rendering of a true account of all money entrusted to such Treasurer. Most of the bonds must be filed with the Secretary of State for safe-keeping.

QUESTIONS.

1. What is said about the establishment of the Asylum for Feeble-Minded Children?

2. What is the object of this institution, and how is it managed?

3. State all you can about the establishment of the Reform School.

4. How is it managed and controlled?

5. What is its object?

6. When was each Penitentiary established?

7. State fully what is said of their establishment and object?

8. What about the Wardens? Other officers?

9. Why and by whom is citizenship restored to a prisoner?

10. What is the reduction in the term of service for good behavior?

11. What is the object of the Iowa Soldiers' Home?

12. What is the bond of the Treasurer of each State institution?

13. Upon what is it conditioned?

LESSON XXXII.

MISCELLANEOUS INFORMATION.

Iowa's Governors.

295. The following shows the order in which the Governors of Iowa served, the year in which each term began, the vote by the two dominating parties, and the number of years each Governor served :

	Term Began.	Whig.*	Demo- cratic.*	Served.
Ansel Briggs.....	1846	7,379	7,626	four years.
Stephen Hemsted	1850	11,403	13,486	four years.
James W. Grimes	1854	23,025	21,202	four years.
		Republican.		
Ralph P. Lowe	1858	30,141	27,992	†two years.
Samuel J. Kirkwood ..	1860	56,506	53,542	
Re-elected	1862	59,853	43,245	four years.
William M. Stone	1864	86,122	47,948	
Re-elected	1866	70,445	54,070	four years.
Samuel Merrill.....	1868	90,200	62,960	
Re-elected	1870	97,243	57,257	four years.
Cyrus C. Carpenter....	1872	109,228	68,199	
Re-elected	1874	105,132	81,020	four years.
†Samuel J. Kirkwood ..	1876	124,855	93,279	two years.
John H. Gear.....	1878	121,546	79,353	
Re-elected	1880	157,571	85,056	four years.
Buren R. Sherman	1882	133,326	73,397	
Re-elected	1884	164,141	139,032	four years.
William Larrabee	1886	175,605	168,619	two years.

Iowa's Representatives in the Congress of the United States.

296. On the completion of the census of 1880, it became evident that Iowa was entitled to an increase in her Congressional delegation. The bill which finally passed

* The vote of the predominating parties only is given. Very often there are candidates of other parties in the field, but it would make the able uninteresting to attempt to give it all.

† The new Constitution reduced the length of term to two years.

‡ Samuel J. Kirkwood resigned his office March 3, 1877, and the term was finished by the Lieutenant Governor, Joshua G. Newbold, of Mt. Pleasant.

both Houses of Congress increased the number of Representatives to eleven. Accordingly, the State was divided by the General Assembly of 1882, into eleven Congressional districts as shown below. All the members of the present representation were elected November 4th, 1884. They will continue in office two years, or until March 3d, 1887.

First District—B. J. Hall, Burlington.

Counties—Des Moines, Henry, Jefferson, Lee, Louisa, Van Buren, and Washington.

Second District—Jeremiah H. Murphy, Davenport (Re-elected).

Counties—Clinton, Iowa, Jackson, Johnson, Muscatine, and Scott.

Third District—David B. Henderson, Dubuque (Re-elected).

Counties—Black Hawk, Bremer, Buchanan, Butler, Delaware, Dubuque, Franklin, Hardin, and Wright.

Fourth District—William F. Fuller, West Union.

Counties—Allamakee, Clayton, Cerro Gordo, Chickasaw, Fayette, Floyd, Howard, Mitchell, Winneshiek, and Worth.

Fifth District—Benjamin F. Frederick, Marshalltown.

Counties — Benton, Cedar, Grundy, Jones, Linn, Marshall, and Tama.

Sixth District—James B. Weaver, Bloomfield.

Counties—Davis, Jasper, Keokuk, Mahaska, Monroe, Poweshiek, and Wapello.

Seventh District—Edwin H. Conger, Adel.

Counties—Dallas, Madison, Marion, Polk, Story, and Warren.

Eighth District—William P. Hepburn, Clarinda (Re-elected).

Counties—Adams, Appanoose, Clark, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne.

Ninth District—Joseph Lyman, Council Bluffs.

Counties—Adair, Audubon, Cass, Guthrie, Harrison, Mills, Montgomery, Pottawattamie, and Shelby.

Tenth District—Adoniram J. Holmes, Boone (Re-elected).

Counties—Boone, Calhoun, Carroll, Crawford, Emmet, Greene, Hamilton, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster, and Winnebago.

Eleventh District—Isaac S. Struble, Le Mars (Re-elected).

Counties—Buena Vista, Cherokee, Clay, Dickenson, Ida, Lyon, Monona, O'Brien, Osceola, Plymouth, Sac, Sioux, and Woodbury.

Judges of the Supreme Court.

297. Austin Adams, Chief Justice, Dubuque; term expires December 31st, 1887.

William H. Seevers, Oskaloosa; term expires December 31st, 1888.

Joseph R. Reed, Council Bluffs; term expires December 31st, 1889.

James H. Rothrock, Cedar Rapids; term expires December 31st, 1890.

Joseph M. Beck, Fort Madison; term expires December 31st, 1891.

Officers.

Andrew J. Baker, Attorney General, Centerville; term expires January, 1887.

Gilbert P. Pray, Clerk ; term expires January 2d, 1887.

Ezra C. Ebersole, Reporter ; term expires January 2d, 1887.

LESSON XXXIII.

MISCELLANEOUS INFORMATION—CONTINUED.

Iowa's Senators.

298. No United States Senators were elected till the second session of the General Assembly of the State. At that session Hon. A. C. Dodge was elected for the short term, and Hon. George W. Jones for the long term. Below, the names of all Iowa's Senators are given in the order of their succession.

Residence.	Began.	Ended.
A. C. Dodge, Burlington	Dec. 7, 1848	----
*James Harlan, Mt. Pleasant	Jan. 6, 1855	May 15, 1865.
S. J. Kirkwood, Iowa City	Jan. 13, 1866	----
James Harlan, Mt. Pleasant	Mch. 4, 1867	Mch. 3, 1873.
Wm. B. Allison, Dubuque	Mch. 4, 1873	Mch. 3, 1879.
Re-elected	Mch. 4, 1879	Mch. 3, 1885.
Re-elected	Mch. 4, 1885	Mch. 3, 1891.
George W. Jones, Dubuque	Dec. 7, 1848	Mch. 3, 1859.
Jas W. Grimes, Burlington	Mch. 4, 1859	Mch. 3, 1865.
Re-elected	Mch. 4, 1865	Aug. 1859.
James B. Howell, Keokuk	Mch. 20, 1870	Mch. 3, 1871.
Geo. C. Wright, Des Moines	Mch. 4, 1871	Mch. 3, 1877.
S. J. Kirkwood, Iowa City	Mch. 4, 1877	Feb. 1, 1881.
James W McDill, Afton	Mch. 8, 1881	Mch. 3, 1883.
James F. Wilson, Fairfield	Dec. 4, 1883	Mch. 3, 1889.

299. Our Senators at the present time are Hon. William B. Allison, and Hon. James F. Wilson. Both were

*James Harlan served as Secretary of the Interior under President Lincoln part of the years 1865-6. Resigned September 6, 1866.

born in the State of Ohio, the former in 1829, the latter in 1828. Both studied law, and became successful practitioners. They have had an extended experience in public life, and represent our State ably and honorably. They are Legislators of great weight and decided influence at the Capital of the Federal Government.

300. Mr. Allison was a member of Governor Kirkwood's staff, and helped to organize troops to put down the late rebellion. He served in the National House of Representatives four terms; the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first. He has had almost twelve years' experience as a United States Senator, and on the 4th of March, 1885, he will enter upon his third term.

301. Mr. Wilson was a member of the Constitutional Convention of 1856, and served three terms in the Iowa Legislature, from 1857 to 1861. He filled the unexpired term of Hon. S. R. Curtis in the National House of Representatives, and was re-elected to the Thirty-eighth, Thirty-ninth, and Fortieth Congresses, serving in that capacity from December 2, 1861, to March 3, 1869. He was elected to the United States Senate to succeed James W. McDill, and took his seat December 4, 1883. His term of service will expire March 3, 1889. Mr. Wilson was a strong supporter of President Lincoln's administration, and one of the country's staunchest men during the critical period which followed Lincoln's assassination. He was one of the managers chosen by the House of Representatives to conduct the impeachment trial of Andrew Johnson.

The Electoral College.

302. Each State is entitled to as many Presidential

Electors as it has Senators and Representatives in Congress, and it chooses them in such manner as its Legislature directs. In this State, when the Executive Council completes the canvass of the votes, the Governor is informed of the result. He then issues a certificate of election under his hand and the seal of the State, and causes it to be served on each person elected, notifying him to attend at the seat of government at noon of the Tuesday preceding the first Wednesday of December next after his election, and report himself to the Governor as being in attendance.

303. This notice brings the Electors together at the time stated, and they report to the Governor in a body. In case any one of their number is absent, or if the number of Electors is deficient, those present proceed to elect some citizen of the State to fill the vacancy. They certify their choice to the Governor, and cause the one chosen to be notified at once. The Electoral College being full, the Electors meet at the capital at noon of the next day, and proceed to the election, in conformity with the Constitution of the United States.

304. In doing this, the Electors vote by ballot; first, for President, and second, for Vice President; one of whom shall not be a resident of the State with themselves. This is done to prevent the election of both these high officials from the same State.

305. The Electors make distinct lists of all persons voted for as President or Vice President, and the number of votes cast for each one. The Electors sign and certify these lists, and having

sealed them, transmit them to the seat of the Federal Government, directed to the President of the Senate.

306. Ample precaution against fraud is taken by making three lists; one of them is sent by mail, another by messenger chosen by the Electors, to the President* of the Senate at Washington. The third list is filed with the Judge of the United States Court in the district where the Electors meet.

QUESTIONS.

1. Name the Governors of Iowa.
2. Who is Governor at the present time?
3. How many Congressmen has Iowa?
4. When were they elected, and when do their terms expire?
5. Name the Congressman from your district. State all you can about him.
6. What counties compose the district in which you live?

* When the votes of all the states are likewise in the possession of the President of the Senate, nothing then remains to be done but for the two Houses of the National Congress to canvass the votes, as directed by the Constitution. To do this, they meet in joint session in the House of Representatives, at one o'clock p.m. of the second Wednesday in February following the election. The President of the Senate presides, and, in the presence of the members assembled, opens the sealed lists and hands them to the tellers, who count them. There are usually four tellers; two appointed by the Senate, and two by the House. The persons receiving a majority of the votes of the Electoral College, are declared elected President and Vice President of the United States.

If no one receives a majority, the House of Representatives proceeds to elect a President from the three persons who received the highest number of votes. The choice is made by ballot. The vote is taken by states, each State having but one vote. A majority of all the states is necessary to a choice.

At the same time, the Senate proceeds to choose a Vice President from the two having the highest number of votes for the office. A majority of the whole number of Senators is necessary to a choice.

7. Name the Judges of the Supreme Court.
 8. Name the Senators from Iowa.
 9. State all you can of the history of Mr. Allison.
Of Mr. Wilson.
 10. To how many Electors is Iowa entitled?
 11. By whom are the Electors chosen?
 12. How are they convened? State fully.
 13. How are vacancies filled?
 14. How do the Electors vote?
 15. What of lists of persons voted for?
 16. What precaution is taken against fraud?
-

**General Questions Taken Mostly from Lists Issued
by the State Superintendent of Public
Instruction.**

1. How may the State Constitution be amended?
2. State fully the difference in the manner of choosing a United States Senator and a Representative.
3. Who are the United States Senators from Iowa?
4. Give in substance the preamble to the Constitution.
5. How is our State Legislature constituted?
6. How many members are there in each division of the Legislature?
7. When does the Legislature convene?
8. How long does it remain in session?
9. How did the United States acquire the territory where Des Moines now stands?
10. What do you understand by the General Assembly of Iowa?

11. When and where does the General Assembly meet?

12. To how many Presidential Electors is this State entitled, and what are their duties?

13. Name the present Governor of Iowa.

14. Who is member of Congress from this district?

15. Should the study of Civil Government receive special attention in our public schools? Give reasons for your answer.

16. When does the next term of the District Court of this county begin, and what class of offenses are tried in it?

17. Give the names of all the county officers in this county.

18. When were they elected?

19. What county officers are to be elected at the next election?

20. When does the next election occur?

21. Give the names of the State officers of the present administration.

22. When did the Articles of Confederation go into effect?

23. Why were they superseded by the present Constitution?

24. How many Senators and Representatives compose the General Assembly of the State?

25. How many Congressional districts are there in the State?

26. What benefit should be derived from the study of the history of the State?

27. In case the Electoral College fails to elect a President and Vice President, how are they elected?

28. How may a bill become a law without the signature of the Governor?

29. State fully the other processes of law making.

30. Name as many specified powers of the General Assembly as you can.

31. How are the amendments to the Constitution made?

32. Name the three powers of government.

33. In what officers is each power vested?

34. By whom and for what length of time are these officers chosen?

35. What is the title of the presiding officer of the Senate?

36. How is he chosen?

37. What is the title of the presiding officer of the House?

38. How is this officer chosen?

39. What restrictions does the Constitution make regarding duelling?

40. Can private property be taken for public purposes without compensation? Explain.

41. What record must the journal of each House show on the final passage of a bill?

42. When does a law passed by the General Assembly take effect?

43. What is the jurisdiction of the Superior Court?

44. Write a short sketch about each State institution.

45. What is a veto?

46. How is a bill passed over the Governor's veto?

47. What encouragement to education has the United States Government extended to Iowa?

48. Give a clear explanation of the United States Surveys.

49. Draw a figure, locating on it the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 16, Township 72 north, Range 9 west of fifth principal meridian.

50. What are the duties of County Attorney?

51. What are the duties and powers of the Governor? Explain fully.

52. What powers has the Federal Government?

53. Make a clear and concise statement of the duties and powers of the General Assembly.

54. What relations exist between the states?

55. State all you can about the Jury system.

56. Name all the officers of your township.

57. What are the duties of the Sub-Director? The Teacher?

58. What is the duty of each officer appointed by the Governor?

59. What are the duties of the Board of Supervisors, County Superintendent, and Coroner?

60. In what Township and Range do you live? In what Section?

61. Who is District Judge in the district in which you live?

62. Who is Mayor of your town or city?

63. What is the compensation of each State officer?

64. How do members of the General Assembly draw their salaries?

65. What is an impeachment?

66. Who issues the proclamation for a general election? Explain.

67. What persons compose the Executive Council?

68. What is the jurisdiction of a Justice of the Peace?
69. When and for what length of time is the County Attorney elected?
70. What class of cases is tried in this Court?
71. What body tries an impeachment?
72. What is done with the lists which the electors of President and Vice-President make?
73. How are vacancies in the Electoral College filled.
74. What is the number of members of the Electoral College of Iowa.
75. Show by a figure the location of the E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of Section 21, Township 75 north, Range 31 west of 5th p. m.

CONSTITUTION OF IOWA.

Preamble. WE, THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of THE STATE OF IOWA, the boundaries whereof shall be as follows :

Boundary. Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri—as established by the Constitution of that State, adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines river; thence westwardly along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite to the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence up the main channel of the said Big Sioux river, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

ARTICLE I.—BILL OF RIGHTS.

Rights of Persons. SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Political Power. SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Religion. SEC. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

Religious Test. SEC. 4. No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any

- other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.
- Dueling.** SEC. 5. Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.
- Laws Uniform.** SEC. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.
- Liberty of Speech and Press.** SEC. 7. Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given to the jury, and if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.
- Personal Security.** SEC. 8. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.
- Trial by Jury.** SEC. 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.
- Rights of Persons Accused.** SEC. 10. In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.
- Without Indictment.** SEC. 11. All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentation or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.
- By Indictment.** SEC. 12. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great.
- Twice Tried. Bail.** SEC. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion or invasion, the public safety may require it.
- Habeas Corpus.** SEC. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.
- Military.** SEC. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.
- Quartering Troops.**

- Treason.** SEC. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.
- Bail. Punishments.** SEC. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.
- Eminent Domain.** SEC. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made, to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.
- Imprisonment for Debt.** SEC. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.
- Petition.** SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.
- Attainder.** SEC. 21. No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed.
- Aliens hold Property.** SEC. 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.
- Slavery.** SEC. 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.
- Reservation.** SEC. 24. No lease or grant of agricultural lands, reserving any rent or service of any kind, shall be valid for a longer period than twenty years.
- Rights Retained.** SEC. 25. The enumeration of rights shall not be construed to impair or deny others, retained by the people.

ARTICLE II.—RIGHT OF SUFFRAGE.

- Electors.** SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.
- Privilege.** SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.
- Same.** SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.
- Resident.** SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.
- Insane.** SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.
- Ballot.** SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.—OF THE DISTRIBUTION OF POWERS.

- Dept's of Government.** SECTION 1. The powers of the government of Iowa shall be divided into three separate departments: The Legislative, the Executive, and the Judicial; and no person charged with the exercise of

powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

- Legislative Authority.** SECTION 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives ; and the style of every law shall be : "*Be it enacted by the General Assembly of the State of Iowa.*"
- Sessions.** SEC. 2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members ; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.
- Members of House of Representatives.** SEC. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election when the election shall be on the Tuesday next after the first Monday in November ; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.
- Eligibility.** SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a male citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county or district he may have been chosen to represent.
- Senators.** SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives ; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.
- Number and Classification.** SEC. 6. The number of Senators shall not be less than one-third nor more than one-half the Representative body ; and shall be so classified by lot, that one class being as nearly one-half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by one lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.
- Elections Determined.** SEC. 7. Each House shall choose its own officers, and judge of the qualification, election and return of its own members. A contested election shall be determined in such manner as shall be directed by law.
- Quorum.** SEC. 8. A majority of each House shall constitute a quorum to transact business ; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.
- Authority of the House.** SEC. 9. Each House shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same ; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offense ; and shall have all other power necessary for a branch of the General Assembly of a free and independent State.
- Protest.** SEC. 10. Every member of the General Assembly shall have the liberty of dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have

the reasons for his dissent entered on the journals ; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals.

Privilege. SEC. 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

Vacancies. SEC. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

Doors Open. SEC. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

Adjournments. SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Bills. SEC. 15. Bills may originate in either House, and may be amended, altered or rejected by the other ; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

To be Approved, etc. SEC. 16. Every bill which shall have passed the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it ; but if not, he shall return it with his objections, to the House in which it originated, which shall enter the same upon their journal, and proceed to reconsider it ; if, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him (Sunday excepted), the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State within thirty days after the adjournment, with his approval, if approved by him, and with his objections if he disapproves thereof.

Same. SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered upon the journal.

Receipts and Expenditures. SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the General Assembly.

Impeachment. SEC. 19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation ; and no person shall be convicted without the concurrence of two-thirds of the members present.

Who Liable to and Judgment. SEC. 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office ; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under this State ; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

- Members not appointed to office.** SEC. 21. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections of the people.
- Disqualification.** SEC. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.
- Same.** SEC. 23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.
- Money Drawn.** SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.
- Compensation of Members.** SEC. 25. Each member of the first General Assembly under this Constitution shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its members. And when convened in extra session they shall receive the same mileage and per diem compensation as fixed by law for the regular session, and none other.
- Laws; when to take effect.** SEC. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers of the State.
- Publication.**
- Divorce.** SEC. 27. No divorce shall be granted by the General Assembly.
- Lotteries.** SEC. 28. No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.
- Acts; Subject to be Expressed.** SEC. 29. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.
- Local or special laws.** SEC. 30. The General Assembly shall not pass local or special laws in the following cases:
 For the assessment and collection of taxes for State, county, or road purposes;
 For laying out, opening, and working roads or highways;
 For changing the names of persons;
 For the incorporation of cities and towns;
 For vacating roads, town plats, streets, alleys, or public squares;
 For locating or changing county seats.
 In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until, upon being sub-
- Laws; General and Uniform.**

mitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Extra compensation. SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly.

Oath of members. SEC. 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be), according to the best of my ability;" and members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Census. SEC. 33. The General Assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the State.

Apportionment. SEC. 34. The number of Senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of inhabitants in each.

Districts. SEC. 35. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State according to the number of inhabitants in each upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one Representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one Representative; and any one county containing, in addition to the ratio fixed by law, one-half of that number, or more, shall be entitled to one additional Representative. No floating district shall hereafter be formed.

Ratio of representation. SEC. 36. At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a Representative.

Districts. SEC. 37. When a Congressional, Senatorial, or Representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a Congressional, Senatorial, or Representative district.

Elections by General Assembly. SEC. 38. In all elections by the General Assembly, the members thereof shall vote *Viva Voce*; and the votes shall be entered on the journal.

ARTICLE IV.--EXECUTIVE DEPARTMENT.

- Governor.** SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.
- Election and term.** SECTION 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.
- Lieutenant Governor.** SECTION 3. There shall be a Lieutenant Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of Government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.
- Election by General Assembly.** SECTION 4. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be declared duly elected; but in case two or more persons shall have an equal, and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant Governor, as the case may be.
- Contested elections.** SECTION 5. Contested elections for Governor or Lieutenant Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.
- Eligibility.** SECTION 6. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been a citizen of the United States and a resident of the State two years next preceding the election, and attained the age of thirty years at the time of said election.
- Commander.** SECTION 7. The Governor shall be commander-in-chief of the militia, the army and navy of this State.
- Duties.** SECTION 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.
- Same.** SECTION 9. He shall take care that the laws are faithfully executed.
- Vacancies.** SECTION 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.
- Convening Assembly.** SECTION 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.
- Message.** SECTION 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.
- Adjournment.** SECTION 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

- Disqualifi-
cation. SEC. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor or Lieutenant Governor, except as hereinafter expressly provided.
- Term. SEC. 15. The official term of the Governor and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor: and while presiding in the Senate, shall receive as compensation therefor the same mileage and double the per diem pay provided for a Senator, and none other.
- Pardons,
etc. SEC. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.
- Lieutenant Governor act as Governor. SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.
- Further vacancies provided for. SEC. 18. The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President *pro tempore*.
- Same. SEC. 19. If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the President *pro tempore* of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.
- Seal of State. SEC. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.
- Commissions, etc. SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.
- Secretary, Auditor, and Treasurer. SEC. 22. A Secretary of State, Auditor of State, and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified, and perform such duties as may be required by law.

ARTICLE V.—JUDICIAL DEPARTMENT.

- Courts.** SECTION 1. The Judicial power shall be vested in a Supreme Court, District Court, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.
- Supreme Court.** SEC. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold court.
- Judges Elected.** SEC. 3. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court, so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office, under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State during the term for which they have been elected.
- Jurisdiction.** SEC. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.
- District Judges Elected.** SEC. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the district in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.
- Jurisdiction.** SEC. 6. The District Court shall be a Court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts in such manner as shall be prescribed by law.
- Conservators of the Peace.** SEC. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.
- Style of Process.** SEC. 8. The style of all processes shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.
- Salaries.** SEC. 9. The salary of each Judge of the Supreme Court shall be two thousand per annum, and that of each District Judge one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected.
- Judicial Districts.** SEC. 10. The State shall be divided into eleven Judicial Districts, and after the year eighteen hundred and sixty, the General Assembly may reorganize the Judicial Districts, and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session, and no reorganization of

the Districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such reorganization of the Districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.

When Chosen. SEC. 11. The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January next after his election.

Attorney General. SEC. 12. The General Assembly shall provide by law for the election of an Attorney General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

District Attorney. SEC. 13. The qualified electors of each Judicial District shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the District for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

Duties of General Assembly. SEC. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.

ARTICLE VI.—MILITIA.

Who constitute. SECTION 1. The militia of this State shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are, or may hereafter be, exempt by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

Exemption. SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; *Provided*, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

Officers. SEC. 3. All commissioned officers of the militia (staff officers excepted) shall be elected by persons liable to perform military duty, and shall be commissioned by the Governor.

ARTICLE VII.—STATE DEBTS.

Limitation of State indebtedness. SECTION 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Same. SEC. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars, and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Losses to school-fund audited. SEC. 3. All losses to the Permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State.

The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

For what other purpose State may contract debts. SEC. 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Other debts to be authorized by special law. SEC. 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years of the contracting thereof; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

Submitted to the people. SEC. 6. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt or liability which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

Legislature may repeal. SEC. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Tax imposed distinctly stated.

ARTICLE VIII.—CORPORATIONS.

Corporations, how created. SECTION 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as herein-after provided.

Property taxable. SEC. 2. The property for all corporations for pecuniary profit shall be subject to taxation, the same as that of individuals.

State not to be a stockholder. SEC. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war, for the benefit of the State.

Corporation not to be a stockholder. SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Act creating corporation. SEC. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto, shall take effect or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three

- tion submitted to the people.
State bank.
Founded on specie basis.
General banking law to provide for.
Stockholders responsible.
Who has preference.
Suspension.
General Assembly may amend or repeal.
- months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.
- SEC. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank, with branches.
- SEC. 7. If a State Bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.
- SEC. 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest paying stocks of States in good credit and standing, to be rated at ten per cent. below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of such stocks, to the amount of ten per cent. on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer and to whom.
- SEC. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him and her held, to an amount equal to his or her respective shares so held, for all its liabilities, accruing while he or she remains such stockholder.
- SEC. 10. In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.
- SEC. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.
- SEC. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.—EDUCATION AND SCHOOL LANDS.

FIRST—EDUCATION.

- Board of Education.
Who eligible.
How elected; how divided.
- SECTION 1. The educational interests of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.
- SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the State.
- SEC. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class

	shall be vacated after the expiration of two years, and one-half of the Board shall be chosen every two years thereafter.
First session held.	SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December after their election, after which the General Assembly may fix the time and place of meeting.
Limited to twenty days.	SEC. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the Board, the Governor may order a special session.
Secretary.	SEC. 6. The Board of Education shall appoint a Secretary who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.
Rules and regulations of board.	SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the Board, and when so made, published, and distributed, they shall have the force and effect of law.
Powers.	SEC. 8. The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions that are instituted, to receive aid from the School or University fund of this State; but all acts, rules and regulations of said Board may be altered, amended, or repealed by the General Assembly, and when so altered, amended, or repealed, they shall not be re-enacted by the Board of Education.
Governor, <i>ex-officio</i> , a member.	SEC. 9. The Governor of the State shall be, <i>ex-officio</i> , a member of said Board.
Contingent.	SEC. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.
State University.	SEC. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that institution and no other.
Board of Education provide.	SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, as aforesaid, may be deprived of their portion of the school fund.
Compensation.	SEC. 13. The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.
Quorum; style of acts.	SEC. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law for the government of common schools or other educational institutions shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be: "Be it enacted by the Board of Education of the State of Iowa."
When Board may be abolished.	SEC. 15. At any time after the year one thousand eight hundred and sixty-three, the General Assembly shall have power to abolish or reorganize said Board of Education, and provide for the educational in-

terests of the State in any other manner that to them shall seem best and proper.

SECOND—SCHOOL FUNDS AND SCHOOL LANDS.

General Assembly controls. Permanent fund. SECTION 1. The educational and school funds and lands shall be under the control and management of the General Assembly of the State.

SEC. 2. The University lands, and the proceeds thereof, and all moneys belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

Lands appropriated to educational purposes. SEC. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been or shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Fines and forfeitures, how appropriated. SEC. 4. The money which may have been or shall be paid by persons as an equivalent from exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the Board of Education shall from time to time provide.

Lands reserved or granted, or funds accruing to be a permanent fund. Interest applied. SEC. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be, reserved, or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Who are agents. SEC. 6. The financial agents of the school funds shall be the same that by law receive and control the State and county revenue, for other civil purposes, under such regulations as may be provided by law.

Money to be distributed. SEC. 7. The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

ARTICLE X.—AMENDMENTS TO THE CONSTITUTION.

Submission of amendments. SECTION 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journal, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making said choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

More than one. SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Convention to Revise Constitution. SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may by law provide, the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.

ARTICLE XI.—MISCELLANEOUS.

Jurisdiction of Justice of the Peace. SECTION 1. The jurisdiction of Justices of the Peace shall extend to all civil cases (except cases in chancery, and cases where the question of title to real estate may arise) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

New Counties. SEC. 2. No new county shall be hereafter created containing less than four hundred and thirty-two square miles, nor shall the territory of any organized county be reduced below that area, except the county of Worth, and the counties west of it, along the northern boundary of this State may be organized without additional territory.

Indebtedness. SEC. 3. No county, or other political or municipal corporation, shall be allowed to become indebted, in any manner or for any purpose, to an amount, in the aggregate, exceeding five per centum of the value of the taxable property within such county or corporation—to be ascertained by the last State and county tax list, previous to the incurring of such indebtedness.

Boundaries. SEC. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

Oath of Office.	SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.
How Vacancies are Filled.	SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term ; and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.
How Lands Granted may be Located.	SEC. 7. The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.
Seat of Government.	SEC. 8. The seat of government is hereby permanently established, as now fixed by law, at the city of Des Moines, in the county of Polk; and the State University at Iowa City, in the county of Johnson.

ARTICLE XII.—SCHEDULE.

Supreme Law of the State.	SECTION 1. The Constitution shall be the supreme law of the State, and any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.
Laws in Force.	SEC. 2. All laws now in force not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.
Legal Process not Affected.	SEC. 3. All indictments prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution ; and all appeals writs of error, <i>certiorari</i> and injunctions, shall be carried on in the several courts, in the same manner as now provided by law, and all offenses, misdemeanors and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment. in the same manner as they would have been had not this Constitution been made,
Fines, etc., inure to the State.	SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any county therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.
Bonds in Force.	SEC. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.
First Election.	SEC. 6. The election under this constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty seven, at which time the electors of the State shall elect the Governor and Lieutenant Governor. There shall also be elected at such election the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December, one thousand eight hundred and fifty-six.
Governor and Lieutenant Governor.	
Same: Secretary,	SEC. 7. The first election for Secretary, Auditor and Treasurer of State, Attorney General, District Judges, Members of the Board of

- Auditor, etc. Education, District Attorneys, Members of Congress, and such State officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven (except the Superintendent of Public Instruction), and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday in October, one thousand eight hundred and fifty-eight: *Provided*, that the time for which any District Judge or other State or county officer elected at the April election in the year one thousand eight hundred and fifty eight, shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.
- Same: Judges of Supreme Court. SEC. 8. The first election for Judges of the Supreme Court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.
- First session General Assembly. SEC. 9. The first regular session of the General Assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.
- Senators. SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successors shall be elected as may be prescribed by law.
- Offices not vacated by new Constitution. SEC. 11. Every person elected by popular vote, by a vote of the General Assembly, or who may hold offices by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed to any such office, before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office until the term for which such person has been or may be elected or appointed shall expire: but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.
- State to be Districted. SEC. 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly in accordance with the provisions of this Constitution.
- Constitution to be voted for August, 1857. SEC. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots of such election shall be written or printed, as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the Code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers; and if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Proposition
to strike
out the
word
"white."

SEC. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" from the article on the "Right of Suffrage," shall be separately submitted to the electors of this State for adoption or rejection, in the manner following, viz.: A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' Yes." And those given against the proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word "white" shall be stricken from said article and be no part thereof.

Mills County.

SEC. 15. Until otherwise directed by law, the county of Mills shall be in and a part of the Sixth Judicial District of this State.

Done in Convention at Iowa City, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States of America the eighty-first.

SIGNERS:

TIMOTHY DAY,
S. G. WINCHESTER,
DAVID BUNKER,
D. P. PALMER,
GEO. W. ELLIS,
J. C. HALL,
JOHN H. PETERS,
WM. H. WARREN,
H. W. GRAY,
ROBT. GOWER,
H. D. GIBSON,
THOMAS SÉELEY,
A. H. MARVIN,
J. H. EMERSON,
R. L. B. CLARKE,
JAMES A. YOUNG,
D. H. SOLOMON,

M. W. ROBINSON,
LEWIS TODHUNTER,
JOHN EDWARDS,
J. C. TRAER,
JAMES F. WILSON,
AMOS HARRIS,
JOHN T. CLARKE,
S. AYRES,
HARVEY J. SKIFF,
J. A. PARVIN,
W. PENN. CLARK,
JER. HOLLINGSWORTH,
WM. PATTERSON,
D. W. PRICE,
ALPHEUS SCOTT,
GEO. GILLASPY,
EDWARD JOHNSON,
FRANCIS SPRINGER, *Pres.*

Attest:

TH. J. SAUNDERS, *Sec'y.*
E. N. BATES, *Ass't. Sec'y.*

CONSTITUTION OF THE UNITED STATES.

[Went into operation on the first Wednesday in March, 1789.]

PREAMBLE.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

OF THE LEGISLATIVE POWER.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

OF THE HOUSE OF REPRESENTATIVES.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

OF THE SENATE.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they shall be equally divided.

The Senate shall choose their other officers, and shall have a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

MANNER OF ELECTING MEMBERS.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

CONGRESS TO ASSEMBLE ANNUALLY.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

SEC. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMPENSATION, ETC., OF MEMBERS.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

MANNER OF PASSING BILLS, ETC.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to

that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

LIMITATION OF THE POWERS OF CONGRESS.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince or foreign State.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

SEC. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE POWER.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

MANNER OF ELECTING.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State as themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of

Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*)

TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

WHO ELIGIBLE.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE-PRESIDENT.

In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

OATH.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

POWERS AND DUTIES.

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

* Altered by the 12th Amendment. See page 322.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

OFFICERS REMOVED.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

OF THE JUDICIARY.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. (The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.*)

JURISDICTION OF SUPREME COURT.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

OF TRIALS FOR CRIMES.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

OF TREASON.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

STATE ACTS.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

* Altered by the 11th Amendment. See page 322.

PRIVILEGES OF CITIZENS.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

RUNAWAYS TO BE DELIVERED UP.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

NEW STATES.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory, or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature can not be convened), against domestic violence.

ARTICLE V.

AMENDMENTS.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth Section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

DEBTS.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

SUPREME LAW OF THE LAND.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

OATH.—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office, or public trust, under the United States.

ARTICLE VII.

The ratifications of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire—John Langdon, Nicholas Gilman. *Massachusetts*—Nathaniel Gorham, Rufus King. *Connecticut*—William Samuel Johnson, Roger Sherman. *New York*—Alexander Hamilton. *New Jersey*—William Livingston, David Brearley, William Patterson, Jonathan Dayton. *Pennsylvania*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimmons, Jared Ingersoll, James Wilson, Gouverneur Morris. *Delaware*—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom. *Maryland*—James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carroll. *Virginia*—John Blair, James Madison, Jr. *North Carolina*—William Blount, Richard Dobbs Spaight, Hugh Williamson. *South Carolina*—John Rutledge, Chas. Cotesworth Pinckney, Charles Pinckney, Pierce Butler. *Georgia*—William Few, Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

[The first ten amendments were proposed by Congress at their first session, in 1789. The eleventh was proposed in 1794, and the twelfth in 1803.]

ARTICLE I.

FREE EXERCISE OF RELIGION.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

RIGHT TO BEAR ARMS.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

NO SOLDIER TO BE BILETED, ETC.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

UNREASONABLE SEARCHES PROHIBITED.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be put twice

in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

MODE OF TRIAL.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

RIGHT OF TRIAL BY JURY.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any Court of the United States than according to the rules of the common law.

ARTICLE VIII.

BAIL.—FINES.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

RIGHTS NOT ENUMERATED.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

POWERS RESERVED.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI.

LIMITATION OF JUDICIAL POWER.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

ELECTION OF PRESIDENT.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the vote shall be taken by States, the representatives from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the

House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them. before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other Constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person Constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[Ratified in 1865.]

ARTICLE XIII.

SEC. 1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

[Ratified in 1868.]

ARTICLE XIV.

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but whenever the right to vote at any election for electors of President and Vice-President, or United States Representatives in Congress, executive and judicial officers, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in that State.

SEC. 3. No person shall be a Senator or Representative in Congress, elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for the payment of pensions and bounties for service in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume to pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[Ratified in 1870.]

ARTICLE XV.

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation.

INDEX.

UNLESS OTHERWISE STATED THE FIGURES REFER TO PARAGRAPHS.

Adjournment of Court.....	130
Adjutant General	111
Admission of Iowa.....	20
Agricultural College and Farm, establishment	265
Attendance and tuition	266
Object, schools or courses.....	267
Allison, Hon. Wm. B.....	299, 300
Appropriations.....	72
Articles of Confederation.....	2, 3, 5
Articles of Incorporation	231
Assessor, Township, duties.....	208
Compensation.....	209
City, duties, number, etc.	241
Attainder, Bill of	36
Attorney General, constitution provides.....	119
Duties	123
Election and bond.....	124
Auditor, of State, duties	97
County, duties.....	170
Asylum for Feeble-Minded Children, establishment.....	283
Object and management	284
Bail	35
Base Lines	251
Basil Giard	14-1
Bill of Rights.....	25
Bills	66
Become law, processes.....	67-1-2-3
Board of Arbitration	128
Board of Canvassers, State	117
County.....	164
City or Town.....	235
Board of Equalization, State	118

Board of Equalization, County	163
Township	204
City or Town	236
Board of Health, State	104
Township	202
City or Town	236
Board of Supervisors, Power to legislate	157
Number, organization, sessions, etc.	158
Powers of	159
Submit questions, etc.	160
Special duties	161
Keep books	162
Board of Equalization	163
Board of Canvassers	164
Bonds, of State officers	115
County officers	193
Township and school officers	227
Treasurers of State institutions, and conditions	294
Capital of State, location of	21
Census, Taking of	57
Certificate of Election of U. S. Senator	74-1
City or Town Council, number	234
Powers	235
General control of city or town	236
Term of office	237
Compensation	238
Cities and Towns, need of stronger government	230
Special and extensive powers granted to	231
Classification of	232
Classification of powers	233
Citizenship Restored	292
Challenges to Jury	145
Change of Trial	130
Chief Magistrate	78
Civil Engineer	245
Clerk of Supreme Court, duties	125
Election	126
Clerk of District and Circuit Court, Powers and duties	137
Clerk or Recorder, duties	244

College for the Blind, Establishment and control	274
Object	275
Commandant	81
Commander-in-Chief	81
Commissioners, in other states	96
of Pharmacy	103
of Insanity, number, etc.	189
Powers	190
Compensation, members of General Assembly	59
Officials' reference table	150
Constable, duties	210
Compensation	211
Constitution, framed and ratified	5
Defined	6
Constitutional Conventions	20, 22
Contested Election, of members of General Assembly	65
Governor or Lieutenant Governor	79
Coroner, duties	186
Makes returns to District Court	187
Compensation	188
Correction Lines	254
County, organization	152
A division of the State	153
Seat	154
Distribution of powers	155
Officers, election, bond, etc.	156, 192, 193
Treasurer, duties	165
Makes sworn statement	166
Remits money	167
Settles with Board of Snpervisors	168
Compensation	169
Auditor, duties	170
Calls special meetings of Board of Supervisors	171
Compensation	172
Superintendent, duties	173
Discretionary powers	174
Compensation	175
Clerk, duties	176

County Clerk, has charge of wills	177
Compensation	178
Recorder, duties	181
Compensation	182
Attorney	136, 183
Compensation	150
Surveyor, duties	184
Election and Bond	192, 193
Compensation	185
Courts	198
Court, Supreme, where held, number of Judges, adjournment ..	120
Judges, election	121
Powers and duties, jurisdiction	122
District, establishment, jurisdiction, etc.	128
Time and terms	129
Adjournment	130
Mayor's, general duties and powers	247
Police, jurisdiction and compensation	248
Superior, establishment and jurisdiction	249
Courts	119
Departments of Government	43
Legislative, Executive, Judicial	44
Deputies	194
Description of Townships	253
Diminution of sentence	292
Discoveries	12
Disqualification	61
District Judge	128
Divisions of sections	256
Duelling	29
Drawing salaries	60
Education, encouragement to	23, 24
Election, of State officers	47, 114
Governor contested	79
County officers	192
United States Senators	74
Electors of President, number, how convened	302
Fill vacancies	303
Casting their votes	304

Electors of President, Make out lists.....	305
Take precaution against fraud.....	306
Eligibility of Representatives, Senators, Governor.....	46
Executive Council, who compose it, duties.....	116
Officers.....	77
Expenditures	71
Ex-post facto Laws.....	36
Federal Power.....	7
First Continental Congress.....	2
Fish Commissioner.....	101
General Assembly.....	48
Sessions, special sessions.....	49
Oath of members.....	58
Compensation of members.....	59
Members draw salary.....	60
Disqualification.....	61
Restricted	62
Privileges.....	63
Powers and duties of each House.....	64
Contested elections.....	65
Vacancies	69
Officers	75
Government of the District of Louisiana.....	16
Governor, Eligibility.....	46
Failure to elect.....	73
Election	47, 80, 114
Term of office	80
Commander-in-Chief	81
Convenes General Assembly.....	83
Biennial message.....	83-1
Adjourns General Assembly.....	83-2
Resignation	83-3
Grants pardons, reprieves, etc.....	84
Grants patents and commissions	85
Condemns real estate	86
Issues proclamation for election.....	87
Calls special election.....	88
Fills vacancies in United States Senate.....	89
Visits Penitentiaries	90
Performs various duties.....	91

Governor, Investigates State officials.....	108
Appoints Notaries Public.....	109
Fills other vacancies	110
Appoints Adjutant General	111
Appoints Railroad Commissioners.....	112
Governors of Iowa	295
Grand Jury, number, drawing, etc.....	144
Powers, etc.	147
Makes special inquiry	148
Grants of land for educational purposes	23
Habeas Corpus.....	36
Historical Society	106
Honori	14-2
Hospital for the Insane, at Mt. Pleasant	279
at Independence	280
at Clarinda	281
Government and object.....	282
House, organization of	51
Impeachment, power of.....	70
Incorporated Town	232
Industrial School, establishment.....	285
Management and control	286
Object	287
Institution for the Deaf and Dumb, establishment and object ..	272
Board of Trustees.....	273
For Feeble-Minded Children, establishment	283
Object and management	284
Iowa, a State	21
Judge, Police.....	245
Jurisdiction, compensation	248
Judges, Supreme Court, number, Chief Justice, etc.	120
Names of.....	297
Election	121
District Court, jurisdiction of, not eligible to other office....	128
District Court, election of.....	129
May adjourn court, etc.....	130
Restrictions upon	131
Oath	132
Powers and duties	133
May be witnesses	134

Judges, punishment	135
Jurisdiction of Supreme Court	122
District Court	128
Jurors, qualifications and exemption	140
Excused by the Judge	141
Failure to attend court	142
Lists returned	143
Drawing, number, term	144
Selecting to fill up jury box	145
Duties	146
Powers, privileges and duties of Grand Jurors	147, 148, 149
In Justice's court	229
Justice of the Peace	198
Jurisdiction, number, etc.	228
Duties and powers	229
Laws, take effect when	56
Legislative authority	48
Legislators, ratio and division	52
Legislators, restrictions	62
Privileges	63
Powers and duties	64
Liberty of Speech	30
Lieutenant Governor, act as Governor when	92
President of the Senate	75, 93
Librarian	105
Local Self Government	1, 11
Louisiana Purchase	13
Marshal, how chosen, duties	242
Mayor, term of office	237
Compensation	238
Duties	239
Vacancy	240
Mayor's Court, general duties and powers	247
Military	37
Militia, what it consists of	82
Mine Inspectors	102
Muir, Doctor	14-4
Napoleon	12
Need of Stronger Government	2
Newspapers, selection	191

Normal School, establishment	268
Board of Trustees	269
Special object	270
Courses of Study	271
Notary Public	96, 109
Office, tenure of	47
Oath of	58
At the seat of government	114
Officers, Appointed by City Council	246
Furnished with offices, etc.	114
Filled by Ladies	197
Organizations for the Administration of Justice	42
Patents	85
Pardons	84
Penitentiary, at Ft. Madison	288
At Anamosa	289
Wardens of	290
Other officers	291
Good behavior of prisoners	292
Personal Security	32
Police Judge, election	245
Court, jurisdiction, compensation	248
Power of, the United States	7
State	8
the people	10
Power, source of political	27
Powers, separation of	45
granted cities and towns	231
Powers and duties of each House	64
Presiding Officers	75
Privileges	63
Principal Meridians	251
Proclamation for Election	87
Quorum of each House	68
Board of Supervisors	158
Railroad Commissioners, appointment, number	112
Duties	113
Ranges and Townships	252
Ratio and Division of Legislators	52
Receipts and Expendures	71

Religion, religious test.....	28
Reporter, Supreme Court, election, etc.....	127
Short Hand, apportionment and duties	138
Representatives, eligibility.....	46
Number, apportionment	54
Oath of office	58
Compensation.....	59
Power of impeachment.....	70
In the United States Congress	296
Restrictions, upon members of the General Assembly	62
Result of such union	4
Right of suffrage.....	40
Rights of persons	26
Road Supervisor, require work.....	212
Keep roads in repair	213
Compensation	214
Salaries, drawing.....	60
of officers	150
School Board, classes.....	215
Officers.....	216
Duties of President.....	217
Secretary.....	218
Compensation	219
Treasurer, duties.....	220
Compensation.....	221
Powers.....	222
Duties.....	223
School Fund, perpetual.....	24
Second Continental Congress.....	2
Secretary of State, charge of documents.....	94
Prints and distributes documents.....	95
General duties	96
Sections, numbering	255
Divisions	256
Senate, organization of	50
Separation of powers	45
Servitude.....	39
Settlements	14
Sheriff, duties.....	120, 139, 179
Compensation	180

Short-Hand Reporter, appointment and duties	133
Soldiers' Home	293
Soldiers' Orphans' Home, establishment	276
Divisions	277
Object and management	278
Solicitor	245
Speaker of the House	75
Special election	88
Sessions of General Assembly	49
Board of Supervisors	158
Standing Committees	76
States, sovereign and independent	9
Street Commissioner	245
Sub-Director, duties	224
Superintendent, of Markets	245
Public Instruction, duties	99
Supervision of County Superintendents	100
County, duties, etc.173,	174
Compensation	175
Weights and Measures	107
Superior Court, establishment, jurisdiction	249
Supreme Court, election, powers, duties, etc.120, 121,	122
Surveys	250
Teacher, duties	225
Territory of Iowa	17
Territorial Legislature	18
Governors	19
Township and school officers	226
Township, departments of government	199
Divisions of county	200
Distribution	201
Trustees, powers	202
Consolidate road districts	203
Duties	204
Compensation	205
Clerk, duties	206
Compensation	207
Assessor, duties	208
Compensation	209
Officers, election, term of office	226

Township, Officers, Bonds	227
Description of	253
Traders	14-3
Treason, defined	38
Treasurer of State, duties	98
County	165, 166, 167, 168, 169
City or town	243
Treaties	15
Trial by Jury	33
Speedy	34
Uniform laws	31
United Colonies of New England	1
United States Senators, election	74
University, grant of lands to	259
Establishment	260
Reorganized	261
Board of Regents	262
Object	263
Departments	264
Vacancies	69
Vacancies, U. S. Senate	89
Wardens of Penitentiaries	290
Weakness of the Confederation	3
Weights and Measures, Superintendent	107
Wilson, Hon. Jas. F.	299, 301

PART II.—FROM PAGE 204.

CIVIL
GOVERNMENT
OF THE
UNITED STATES.

A TEXT BOOK FOR SCHOOLS
BY
RUSSELL C. OSTRANDER,
OF THE LANSING, MICHIGAN, BAR.

COPYRIGHT, 1884
BY GEO. SHERWOOD & CO.

INTRODUCTION TO PART II.

That an outline, at least, of the principles and the machinery of civil government in the United States should be taught in the common schools, seems to be generally admitted. Teachers differ in opinion as to the best manner of teaching. For any plan of instruction some kind of text-book is a necessity. In the work herewith submitted has been attempted a statement of the general principles and the theory of our form of government, with a somewhat full description of the machinery of governing.

An examination of the work will show that, in describing the duties of public officers, and even in naming officers, much has been omitted.

The work cannot, of course, give the statute law of the United States. But it is believed that sufficient has been given, in a general way, under each subject treated, to fully illustrate the plan and form of the Federal Government.

A considerable number of references are made to books obtainable in nearly every law office, and in all public libraries. A reading of these will not be uninteresting or unprofitable to teacher or pupil.

The difficulty experienced has been to put matter into such shape that, preserving accuracy, it will be easily intelligible to the average common school student. If a dictionary has to be consulted occasionally no harm will come of it. The teacher will have much to do with the success of the study. If for illustrations of the text, history and daily occurrences in governing are freely used, the result can be only benefit.

LANSING, Mich., July 1, 1884.

TABLE OF CONTENTS.

INTRODUCTION.

CHAPTER I.—DEFINITIONS.

STATE CONSTITUTION.

What it is. How formed, accumulated and enacted. Written and Unwritten. Force and effect of. Law opposed to, unconstitutional. Difference between accumulated and enacted.

SOVEREIGNTY.

Supreme power. Where vested. Extends to and embraces what subjects, What sovereign or supreme authority is. Powers exercised by the sovereign authority.

LAW.

A rule of action. Different meanings of word. Rule of civil conduct. Civil conduct is not individual conduct alone. Definition of law in the concrete. *Law of the Land*. Expression found in American Constitutions. Meaning of. What it may mean in the United States. Broad meaning of law is the *aggregate* of rules and principles as distinguished from a particular rule. Includes principles as well as positive rules. No classification of different kinds of laws attempted. Law of Nations. Penal Law. *Sanctions*. Prospective law. Retrospective law. Called *retroactive*. Effect of such a law.

STATUTE.

Legislative enactment. Ordinances. Resolutions. Invalid as opposed to constitution. What power declares. Constitutional methods of enacting. One object to be stated in title. Reason for the provision. Three readings of bill. Passed by majority vote. Vote entered on journal. Open doors to legislature. No new bills after a certain time. Special sessions, laws limited to objects stated in call. How statute laws published. When they take effect. Act of

Congress, on approval by president. Rule at common law. Injustice of the rule. Changed by statute. Rules for construing statutes.

CHAPTER II.

GOVERNMENT GENERALLY.

To govern is to rule. Government supposes authority, and persons and subjects for authority to act upon.

Begins at home—in the family; continued in the school. Commands have come from parents and teachers. Duties to act and abstain from acting, imposed by authority. Home authority exercised to procure respect and recognition of rights of all—the individual, and the family as a community. State authority exercised to give and insure recognition of individual rights and rights of the State as a whole. The family is a little State. Men are born into both.

GOVERNMENT A NECESSITY.

Men must live in communities. It is natural. No conception of communities of men not governed. Men can not live together without, as against each other, acquiring rights. A right in one makes a duty in another. Rules governing conduct spring up naturally. Society and government are both grown institutions.

CIVIL GOVERNMENT.

Is the government which has sprung up in and grown with those communities which men naturally form—the community in which the family is a unit. What the fundamental idea of all civil government is. What civil government imports. Government is the authority of the society. The State is the society.

DIFFERENT FORMS OF GOVERNMENT.

No classification of forms of government attempted. Tendency of the times is and has been towards what is called free government. Object is liberty—civil and political. Government having grown with society, present desirable forms suggest former undesirable forms of government.

WITH WHAT GOVERNMENT MUST CONCERN ITSELF.

Protection of the governed. Does not mean alone protection

from outside invasion; or from physical violence. It means protection of individual rights in the community.

A right not recognized by government is not a right. In the view of morals an asserted right may be one which ought to be enforced. It is not available unless it can be enforced. Government, therefore, ought to concern itself with rights, their definitions and enjoyment.

POWERS OF GOVERNMENT.

Are all powers necessary to carry out the objects and purposes of government. Simply divided they may be named law-making, law-applying, law-enforcing; or legislative, judicial, executive.

DISTRIBUTION OF POWERS.

There could be no certainty of good government if all three of these powers were in the hands of one man, or one set of men
Illustrations.

Continued free government requires a distribution and limitation of these powers; provision for the exercise of each independently of the others.

POLITICAL LIBERTY.

Exists in free governments. Is the result of the assertion of the individual in communities.

Society necessarily takes on or develops a form of government suited to its spirit and thought. Political liberty consists in an effective participation by the individual in the making of the laws.

When this right exists, civil liberty—free government—ought to exist. The United States has a free government; the citizen participates in it; the powers of government are separated, distributed, independent; there are written constitutions, state and federal; these constitutions set bounds to authority, define the principal rights of the citizen, and can not themselves be changed except in prescribed ways. The people are sovereign; they have delegated sovereign power to departments and officers; the power to name those who exercise powers is at stated intervals returned to the people; the will of the majority is the supreme law; powers not delegated remain in the people. The sovereign power is all power. The State is the citizen.

CHAPTER III.

GOVERNMENT OF THE UNITED STATES.

Term United States, implies a union of states. Government of United States the authority of that union.

Theory of government is that of local self-government. Local affairs are attended to by people of localities. For this purpose territory is subdivided. Government of the United States has nothing to do with local affairs. It is a government of named or enumerated powers. These powers are named and limited in the Constitution of the United States. It has no authority over subjects not named. The people in a sense live under two governments—State and United States.

The general government did not create the states and their governments. The original states united in forming the national government, for national purposes. Illustrations. Articles of Confederation. Constitutional Convention. Ratification of the Constitution.

The exercising of powers delegated in the Constitution of the United States is the business of the general government.

CHAPTER IV.

TERRITORY OVER WHICH THE AUTHORITY OF
THE GENERAL GOVERNMENT EXTENDS.

Over the whole territory embraced within the several states and territories, District of Columbia, navy yards, etc. Authority exercised over the territory within and that without a state, very different.

Over the territories, District of Columbia, and government reservations and purchases, it is supreme.

In the states, it extends to those subjects only over which power is given by the constitution.

Territories can only become states at the will of Congress. Inhabitants of them and of the District of Columbia do not participate in the general government, nor in local government except in such manner as is prescribed by Congress.

CHAPTER V.—DEPARTMENTS OF GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Is vested in a Congress of the United States; composed of two houses or branches; house of representatives; senate; delegates from the states make up this body.

House of Representatives; delegates to are elected every second year by the people of the states. States divided into congressional districts. Division made every tenth year after census. Representatives apportioned by Congress. Present house has three hundred and twenty-five members.

Delegate must be twenty-five years old Seven years a citizen of the United States Must be an inhabitant of the state choosing him. Vacancy filled by new election.

Chooses its own officers. Principal officer is Speaker. Is presiding officer. Speaker *pro tem*. Speaker appoints members to committees. Most important political office except President of the United States. Other officers. Delegates from territories. Has sole power to originate money bills, and sole power of impeachment.

SENATE.

Two senators from each state. Chosen by state legislatures. For six years. Each senator has one vote. Must be thirty years old. Nine years a citizen. Citizen of state choosing him. Vice President of the United States presides. Called president of the senate. President *pro tem*. elected if vice president is disabled, dead, removed or acting president. Senate elects all other officers. Senate makes up its own committees.

Generally a law may originate in either house of Congress. Assent of each house necessary to any law. Congress meets once a year, at Washington on first Monday in December. Each house sits by itself. Each house is judge of election, qualifications and return of its members. Majority of each is a quorum to do business. Less number may adjourn from day to day and compel the attendance of absent members. Each house keeps and publishes a journal of its proceedings. Neither house without the consent of the other can adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. Compensation of delegates. Privileges.

CHAPTER VI.

POWERS OF CONGRESS.

Enumerated powers; Art. 1, Sec. 8, Constitution, U. S.

Prohibitions. Suspension of *habeas corpus*.

Bill of Attainder. *Ex post facto* law.

No money to be drawn from the treasury unless appropriated by law. No title of nobility to be granted; and no laws respecting an establishment of religion to be passed, or prohibiting the free exercise thereof; or abridging freedom of speech or of the press, or the right of citizens to assemble and petition government.

Right of citizens to bear arms. Soldiers not to be quartered on the people in peace except by consent. Security of person and property. Twice in jeopardy. Accused need not testify against himself. Due process of law. Compensation for private property taken for public use. Right of a citizen to a speedy and public trial in criminal cases. Right to jury of the vicinage. To be informed of the accusation, confronted with the witnesses, have compulsory process for witnesses, and assistance of counsel. Excessive fines not to be imposed. Nor unusual nor cruel punishments inflicted.

Enumeration of certain rights not to deny others retained by the people. Powers not delegated to the United States, nor prohibited to the states, belong to the states or the people. Validity of public debt not to be questioned. Right to vote not to be denied or abridged.

Third branch of legislature. President must approve bill. Approves by signing. Returns it to house originating, if not approved, with reasons. Congress may amend to suit views of president, pass over the veto, or take no further action. To override veto requires sanction of two-thirds the Congress. Bill retained by president ten days, Sundays excepted, it becomes a law, unless Congress adjourns.

CHAPTER VII.

THE EXECUTIVE DEPARTMENT.

Executive power vested in President of the United States. Elected. Term of office four years. Qualifications. Salary. Residence. Duties. Executive Department. Cabinet. Foreign Minis-

ters. Judges. President, Commander-in-chief of army and navy. Of militia in actual service.

Some of the powers of the Executive. Vacancy in the office. Election of.

CHAPTER VIII.

THE JUDICIAL POWER.

Vested in one Supreme Court and inferior courts.

Inferior courts created by Congress. Judges.

Supreme Court. Judges. Salaries. Circuits. Sessions. Jurisdiction.

CIRCUIT COURTS. Jurisdiction.

DISTRICT COURTS. Jurisdiction.

SOURCE OF JURISDICTION, of all courts except the Supreme Court.

COURT OF CLAIMS. Jurisdiction. Judges. Sessions.

CHAPTER IX.

Some of the Constitutional Prohibitions upon States. Art. 1, Sec. 10, Constitution of the United States.

Explanation. Letters of marque and reprisal. What they are. Declaration of Paris, 1856.

COINAGE.

Reasons why states should not coin money.

BILLS OF CREDIT.

What they are. Does not apply to notes of a state bank drawn on credit of a particular fund. Nor any bills circulating on private credit. Nor extend to evidence of indebtedness issued by a state for borrowed money, or services performed for it.

BILL OF ATTAINDER.

Doctrine of attainder. Abolished in England. Is a legislative conviction and punishment for crime.

LAWS IMPAIRING THE OBLIGATION OF CONTRACTS.

Clause much discussed. Decisions of the courts. Republican form of government guaranteed.

CHAPTER X.—SOME OTHER POWERS OF SOVEREIGNTY.

EMINENT DOMAIN.

Right to take private property for public use. Inherent in sovereignty. Power restricted by constitutions.

Definition of the right. Property subject to be taken. Must be for a public purpose. Taking must be by legislative authority.

Powers usually exercised by the state. Compensation. Taking limited to the necessity,—so far as quantity is concerned. Power must be exercised strictly within the limitations.

THE UNITED STATES A PREFERRED CREDITOR.

When.

CHAPTER XI.—PUBLIC REVENUES.

TAXATION.

What it is for. Definitions of. Power to tax. Duty of citizen. Differs from subsidies. Power unlimited. Is legislative., Necessity—a question for legislature. Fixing amount of tax and naming subjects to be taxed, within legislative power.

RESTRICTIONS UPON THE POWER.

Constitutional. Limitations which inhere in the power itself. Power cannot be delegated. State agencies, etc., can not be taxed.

DIRECT TAXES. INDIRECT TAXES. Collection of the revenues.

PUBLIC LANDS.

CHAPTER XII.

HOW THE PRESIDENT IS ELECTED.

The primaries. State and national conventions. The Electoral College.

Times of choosing electors. Counting the electoral vote.

CIVIL GOVERNMENT.

CHAPTER I.

DEFINITIONS.

State.

A body politic, or society of men, united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength.¹

The terms *state* and *nation* are frequently employed as meaning the same thing. But while a state may be a nation, and a nation may be divided into, or made up from several states, the term nation means more nearly, People or Race.

The term, however, is used indiscriminately for designating either a principality, like some of the German states, or the Nation itself. Of course it is applied to the American States.

Constitution.

The fundamental law of a state, directing the principles upon which the government is founded, and regulating the exercise of the sovereign powers, directing to what bodies or persons those powers be confided and the manner of their exercise.²

¹ Cooley, Constitutional Limitations, 1; Story on the Constitution, §207; Bouvier Law Dict., "State"; Vattel b, 1, c 1, §1.

² Bouvier Law Dict. "Constitution."

That body of rules and maxims in accordance with which the powers of sovereignty are habitually exercised.¹

The constitution is to the state what it is to a society of persons. In our day one of the first matters to receive attention, where a number of individuals associate themselves permanently, is a constitution; a general organic law for the government of the society.

The term is frequently used with a meaning more or less limited than the one conveyed in the above definitions, but it has come to mean, more and more, the fundamentals of a free government; the first or foundation law; the organic law.

How Constitutions are Formed.

Constitutions may be *accumulated* or *enacted*. That is, the constitution of a country may be the mass of rules, customs, common law—written and unwritten—and decisions of the courts, which have accumulated and have been acted upon by the government, respected and obeyed by individuals, until they have come to be regarded as a part of the system of government. Or, a constitution may be enacted as a fundamental law of the body politic, either by the monarch or by the people; by the sovereign power.

May be Written or Unwritten.

Constitutions may be written or unwritten. The constitution of Great Britain is an *accumulated* and *unwritten* one. Those of the United States, both federal and state, are *enacted* and *written*.

¹ Cooley, Const. Limitations, 2.

Their Force and Effect.

In the United States constitutions are the written instruments agreed upon and adopted by the people of the United States or of the state, and are absolute rules of action and decision for all departments and officers of government, upon all questions covered by them. Any rule or act of any department of government, or of any officer of government, or even of the people themselves in opposition to them, will be altogether void.¹

So we say, when a law is passed by the legislature, federal or state, opposed to the fundamental law or constitution, that such a law is in excess of legislative authority and therefore unconstitutional and void.

In this respect mainly lies the difference in effect between an accumulated and an enacted constitution. In a country where the complete sovereignty is, by the system of government, vested in the same power or body which enacts the ordinary laws, any law, being an exercise of sovereign power, cannot be void, but if in conflict with any existing constitutional principle, must have the effect to change or abrogate such principle, instead of being nullified by it. This is so in Great Britain. The declared will of Parliament is the final law. There constitutional questions are addressed to the Parliament or to the people. Here, after the legislature has passed upon such a question, there is generally, when it is attempted to put the will of the legislature in operation, a right of appeal to the courts. "For the will of the people, as declared in the constitution, is the final law, and the will of the legislature is only law where it is in

¹ Cooley, Const. Lim., 3.

harmony with, or at least is not opposed to, that controlling instrument, which governs the legislative body equally with the private citizen.”¹

Sovereignty.

All political or civil government, presupposes a community of people united for the purposes of government, and a *sovereign* or *supreme* power residing somewhere. It may reside in the people themselves; it may be in a person, or body of persons, having sole and only control, and exercising the sovereign power. As applied to states, sovereignty imports and means the *supreme* power; a power above which there is no power. A state is called a sovereign state when this power resides within itself.² Usually the sovereignty of a state extends to and embraces all the subjects of government within the territorial limits of the state. Thus, France, Russia, Great Britain, and the United States, are sovereign states. In each the authority of government extends to all matters of government within the limits of the state. Neither of them is controlled in any matter of government by a power without or outside itself. None of them has any political superior.

Powers exercised by the sovereign authority.—We have said that the sovereign authority has all authority. The power to make and to repeal laws; the power to enforce the laws; to punish violations of laws; the power to direct, control, and carry on the government, and to provide the necessary political machinery and agencies for that purpose—all these are powers exercised by what we call the sovereign power or authority.

¹ Cooley, Const. Lim., 3.

² Cooley, Const. Lim., 1.

Law.

A law is defined to be a rule of action, prescribed by a superior power ; a rule or method of action ; a rule of civil conduct prescribed by the supreme power of a state.¹

There are many definitions of the word *law*, with a more or less extended meaning. In the sense in which the word is important here, it refers to the rule or rules of human conduct and action, in communities—municipal law—which Blackstone defines as “a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong.”

But it is not individual conduct, alone, which is meant when the term *civil conduct* is used. Nor does the *rule* necessarily mean one prescribed, or enacted, by the legislature. A rule of conduct may be said to be prescribed, when it is recognized by authority as a rule.

“The aggregate of those rules and principles of conduct which the governing power in a community recognizes as the rules and principles which it will enforce or sanction, and according to which it will regulate, limit, or protect the conduct of its members,” is one of the definitions of *law* given in Bouvier. As, if the question were asked, What is the law of the state? meaning the term in the concrete sense, the foregoing is a good answer. “The law of the land,” is an expression often seen and heard. It is seen in most of the American constitutions, and means not only the written or statute

¹See 1 Blackstone's Commentaries, § II ; 1 Stephen's Commentaries, 25. See, also, Montesquieu, Spirit of the Laws, b 1, Chap. 1.

law, but the unwritten law or common law, customs and usages, of the land.

For instance, the law of the land in the United States may mean : 1. The unwritten or common law and the statute law of England, so far as applicable here, in force at the time the independence of the colonies was declared. 2. The constitutions or fundamental laws of the United States and of the States. 3. Treaties made by authority, between the United States and foreign States and Nations. 4. The unwritten common laws or customs, which have obtained in various parts of this country, which are respected and obeyed by individuals and enforced by the courts. 5. The legislative enactments or statute laws.¹

“Law, in its broad meaning, *is* the *aggregate* of legal rules and principles, as distinguished from any particular rule or principle. No one statute, nor all statutes, constitutes the law of the state ; for the maxims of the courts and the regulations of municipal bodies, as well as, to some extent, the universal principles of ethics, go to make up the body of the law. It includes *principles*, which rest in the common sense of justice and right, as

¹“By the law of the land is more clearly intended the general law, a law which hears before it condemns ; which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property and immunities, under the protection of the general rules which govern society ;” Webster’s argument in Dartmouth College case, 4 Wheaton, 518. See Story on the Constitution, Vol. 3, 264, 661 ; Cooley, Const. Lim., 441 ; Murray’s Lessees v. Hoboken, 18 Howard, 272. “The constitutional provisions, that no person shall be deprived of life, liberty, or property, without due process of law mean more than a mere legislative enactment. They restrict the legislature so that it cannot reach the life, liberty, or property of the individual, except when he is convicted of crime, or when the sacrifice of his property is demanded by a just regard of the public welfare.”—Atchison, etc. R. R. Co. v. Baty, 6 Nebraska, 37.

well as positive rules or regulations, which rest in ordinance. It is the aggregate of the rules and principles only which the *governing power* in the community recognizes, because that power, whether it be deemed as residing in a monarch, an aristocracy, or in the people at large, is the source of the authority and the sanction of those rules and principles.”¹

Space here will not admit of any classification of different kinds of laws. The term statute will be hereafter defined. We read of the law of nations, which is the aggregate of the rules, customs and usages governing intercourse between and among nations, and to a large extent between their citizens. A *penal* law is one which inflicts a penalty for its violation. That part of a law which inflicts a penalty for its violation, or a reward for its observance, is called a *sanction*. Sanctions are of two kinds, *civil* and *penal*. A *prospective* law or statute, is one the application of which is to cases arising after its enactment. A *retrospective* law, is one which has an effect upon or applies to persons or things in connection with or reference to past events or conduct. These are also called *retroactive* laws.

If the effect of such a law is to take away vested rights it is so far void. See definition of *ex post facto* law.

Statute.

A law established by the act of the legislative power. An act of the legislature. The written will of the legislature solemnly expressed according to the forms necessary to constitute it the law of the state.²

The acts of bodies delegated with local legislative

¹ Bouvier, Law Dict. “Law.”

² Bouvier, “Statute.”

powers, or the power to make laws or some laws for the locality, as common councils of cities, boards of trustees of villages, township boards, boards of supervisors, etc., are not called statutes. *Ordinance*, or *resolution*, or a similar term is usually applied to them.

We have already seen that, in this country, a statute, opposed to the constitution, state or national, is void. It may be void as opposed to the express provisions of the constitution or as opposed to its spirit. Courts, however, though exercising a proper authority and clear duty, in declaring unconstitutional a statute which is plainly so, will only make such a declaration when the question is raised, and argued, and when the unconstitutionality clearly appears. The acts of the legislature will always, if possible and reasonable, receive a construction which will leave them in force. Later on in this work it will appear how the legislature in this country is itself subject to constitutional restraints in the manner of enacting laws. The courts have authority to go behind the act itself, to ascertain whether in its passage, constitutionally prescribed forms or methods have been followed.

Constitutions in different states prescribe different rules concerning legislation. One common provision, for illustration, in state constitutions, is that an act of the legislature or statute shall embrace but one object, which shall be stated in the title of the act. The object of this is apparent. The title itself calls attention at once to the subject of the proposed legislation, and there can be no hidden or secret legislation pushed through under cover of that title. It leaves each subject of legislation, proposed, to stand or fall upon its merits, and does not allow an urgent and proper legislative act, to drag

along with it an improper one. There is no such provision as is referred to, in the Constitution of the United States. Several times therefore we have seen a *rider*, as it is called, embracing a provision obnoxious to the majority of Congress, tacked upon and carried through by a bill appropriating money urgently needed by the departments of the government, the alternative being a rejection of the whole measure.

Other common provisions require that a bill shall be read a certain number of times before final passage ; shall be assented to by a majority of all the legislative body ; that the vote shall be entered in the journal of the body voting ; that legislation shall be considered and acted on publicly ; that no new legislation shall be proposed after a certain number of days in the session ; that the proceedings of special sessions shall be limited to subjects mentioned in the call of the officer having authority to convene the legislative body.

Statute law becomes known to the people by being printed and distributed. History tells us in what manner, in earlier times, the will of the law-maker became known to the people. It is said that Caligula wrote his laws in very small characters and then hung them upon high pillars, the better to ensnare the people. In England, formerly, and in the American colonies, many acts of parliament and royal proclamations were made known by being read in churches and in other public assemblages.

The constitutions of states generally specify at what time an act shall take effect. Since it is a rule that ignorance of the law does not excuse a person, it is necessary and proper that some opportunity be afforded the people to learn what the law-makers have enacted.

An act of Congress takes effect the day upon which it is approved by the President.¹

By the common law, statutes took effect by relation back to the first day of the session at which they were enacted. The manifest injustice of this rule led to an act of parliament, passed in the 33d year of the reign of George III, by which it was provided that, unless otherwise ordered, statutes should take effect from the day of receiving the royal assent.

There are many rules which have been adopted, by which statutes are construed, or their meaning and application arrived at.

Chapters ten to fifteen, inclusive, of Bishop on Criminal Law, discusses the principles of interpretation of Criminal Statutes. Chapter seven of Cooley on Constitutional Limitations, discusses the circumstances under which a legislative act may be declared unconstitutional, and the subject "Sources of Municipal Law," in the first volume of Kent's Commentaries, is largely devoted to this subject.

QUESTIONS.

What is a state? Tell the different meanings in which the word is used?

Write an abstract of the definition given.

Define *constitution*? What is its force? What is the object or purpose of a constitution? Has the word more than one meaning? What has it come to mean? How are constitutions formed? What do we understand by an accumulated constitution? Enacted constitution? Written? Unwritten? Force in the United States and States? In England? What force

¹ See 1 Kent's Commentaries, 455; *Matthews v. Zane*, 7 Wheaton, 164; *The Brig Ann*, 1 Gallison, 62.

in this country has a law opposed to the constitution? Write an abstract of the definition given of constitution.

What is understood by sovereign power, or sovereignty? As applied to states what does the term import? What is a sovereign state? How far does the sovereign power of a state or nation extend as to subjects? Territorially? What powers are exercised by the sovereign authority?

Write an abstract of the definition given.

Law, means what? What is a law? Give the several definitions and the meaning of each? What is municipal law? What is the law of any given state? What is understood by "the law of the land"? What may it mean in the United States? Is it restricted to acts of the legislature? Is the constitution of a state, a law? What is the law of nations? A penal law? A sanction? A prospective law? A retrospective law? Retroactive law? What is the effect of a retroactive law? Is it restricted in its effect? By what?

Write an abstract of the definition given of *law*.

Give the definition of *statute*? Ordinance? What effect has the constitution upon statutes? By what authority are statutes enacted? What authority decides finally upon the question of the constitutionality of a statute? Give some of the constitutional restrictions imposed upon the forms to be used in enacting statutes? Give the reasons for these restrictions? How do the people learn what laws are passed by the legislature? How were the laws formerly made known? When does an act of Congress take effect? An act of the English Parliament?

Give a written abstract of the definition of *statute*.

CHAPTER II.

CIVIL GOVERNMENT.

Government Generally.

To govern is to rule, regulate, influence. Government supposes or suggests, from a mere statement of the word, first, authority somewhere ; second, a person or persons, or subjects upon which the authority is to act.

In the ordinary sense or use of the word, as applied to individuals, government begins at home, in the family. The child first learns, there, what authority is and what obedience. The teaching is continued in the school, and the child passes along into the world, a member of the community, an individual in the body politic or state in which he lives, conscious that from the beginning he has been governed. The commands given have come from the father and mother and from the teacher. So far as government was concerned, his intercourse with other members of the family put upon him certain duties to be performed. These have been duties to do and not to do, acts. In the doing and not doing as required, he has been respecting and recognizing the rights of others, and under the same authority and obligations others have respected and recognized his rights.

Some of the duties imposed have been for the welfare of the family as a family, of which he was a part, perhaps to contribute by his labor, to some extent, to the family support.

The family is a little state. A person comes into the state as he does into the family, by being born into it.

Government a Necessity.

There is no conception to be had of men living otherwise than in communities, nor of communities of men without government. Government is as essential in the community as it is in the family. Men were made to live together, with wants rendering them mutually dependent upon each other. The community is a number of families, and the state or nation a number of communities.

It is of course possible to conceive of a man, by accident or because of a warped or diseased mind, living solitary and apart from his fellows. On an unpeopled island or in some wilderness he might live for years, under no restraints except natural ones, governed and controlled by no human laws. But this is simply a removing away from the natural order of things. Let other men intrude upon his solitude, and a community, the smallest, be formed. Instantly, each is under some restraints. Certain rules governing conduct, and respecting the rights of others are regarded by each member of the community. Without them the community would cease to exist. Increase the community, and the mutual dependency of its members increases, and becomes more far reaching. The government of the society will grow with the society. Society and government are both grown institutions, and have grown and do grow together.

The social state is natural, and therefore a necessity, and grows. Government arises from necessity out of the social state, and grows with it.

Civil Government.

It is the subject of government as applied to communities that we are concerned about. And not only as applied to communities or states, but to communities the members of which are engaged in those pursuits which are natural to mankind. A band of robbers or a purely military organization could be called a community; both exist or have existed, and all were under government. But the community of which we speak, is the community which men seem naturally to form; the community in which the family is the unit. The objects of such a community are those of the social or civil state, and the government of them is civil government. In such a community, we have seen, government is a necessity.

Why the frame or characteristics of government in any given community should be as they are, can perhaps be sufficiently answered. Certain natural peculiarities and characteristics of the people, soil, climate, industries followed—these may largely account for the kind of government.

There have been an endless variety of governments. It is said, however, that whatever form the government may take, “the fundamental idea, however rudely conceived, is always the protection of society and its members, security of property and person, the administration of justice therefor, and the united efforts of society to furnish the means to authority to carry out its objects.”¹

What Civil Government Imports.

When civil government, therefore, is spoken about, we understand: First, the existence of such a commu-

¹ Bouvier's Law Dictionary, “Government.”

nity as has been described; second, that there is a system of rules, usages and customs, more or less complex, by which the community and the members of it are governed, and, third, that there is somewhere authority, not only to make rules and regulations for governing, but to change, repeal and enforce them.

But it seems that these are common to all governments of the kind. They give no idea of the plan or form of government. Because, these rules may be few or many, may be fixed and established, or subject to constant change. The authority of government may be in the hands of one man, a body of men, or in the community at large. The authority may be within or outside of the community itself. Rights may, or may not, be defined.

It is the difference in these matters or in some of them which allows a classification of governments.¹

Definition of Government.

It is, perhaps, well here to define the sense in which the term government will be used and is properly used in this book. As commonly used it has different meanings, depending upon the connection in which it is used. The State itself, or body politic, is called, sometimes, the Government. It is applied to the administration, or body of persons in whose hands is the official power and direction of affairs. But, strictly, the State is the society of individuals, and the Government is the authority of the society. It is the aggregate of all the institutions by which society or the State makes and enforces the rules necessary to the welfare of the society and its members.

¹For a very interesting classification of governments, see Bouvier's Law Dictionary, "Government."

Different Forms of Government.

It is not in the plan of this work to give any classification of the different forms of governments, nor to discuss in any way the subject of the origin and growth of government.

As leading naturally to an understanding of the system and frame of our own government, it may be said that the tendency of communities has been and is, to adopt or take on a form of government in which the individual member of the community has the largest possible voice and part in governmental affairs, consistent with the proper administration of affairs ; in which *certain* principles and rules are followed ; in which the principal recognized rights of the individual are defined and fixed by laws, and in which the powers of government are separated and distributed into different hands. In other words, the tendency is towards what we call *free* government. The object to be attained is liberty, civil and political. All this implies, of course, a moving away from systems of government in which these things were not embodied, a discarding of different methods and forms which before existed. If present forms and characteristics of what we call free government are approved and seem to be proper and necessary and for the good of the society and the individual, then, in noticing them and their advantages, the mind may dwell upon the state of society as it would exist without them, and some idea be gained of what progress has been made.

With what all Government must Concern Itself.

When we say that one object and end of government is the protection of the governed, it is not meant simply

that mischievous intruders shall be kept out of the society or state, nor the repelling of armed invasion. This is, of course, included in the meaning, and in earlier times states were kept constantly agitated upon the subject of outside invasion. There is little of this now among civilized nations.

Nothing has had so much to do with the change in this respect as the fostering of the natural relations of the family in communities. Following necessarily upon the adoption of this relation came, and comes, the natural desire to protect and care for the family, in sickness and in health, and to acquire a competency in property. But if a man could now only acquire and hold so much property as he could watch and guard, subject all the time to have it taken away by some one when his vigilance was relaxed, society, civilized society, could not exist. So, as has been already said, while society has been growing into this state, government has grown with the society.

Therefore the protection to the governed to be afforded by government, means the protection of individual rights in the community itself. This has come to be what government in modern times is principally concerned with. The intermingling in the social state gives rise to a multitude of duties owed by each individual to others generally, to some others particularly.

Some of these duties are to respect what we shall term natural rights, others are imposed by government, and the duties imposed give rise at once to rights in others to have the duties performed.

A right not recognized by government, or the authority of the society, is of no account or consequence.

It is only recognized rights which are available.

However proper an asserted right may seem to be, if it cannot be enforced, it is useless and not a right, except, perhaps, in the view of morals. This is easily comprehended and should be remembered.

It is therefore the great duty of government to concern itself with rights and their definitions. Judge Cooley, in his work on Torts, says: "Every government must concern itself with the definition of rights and the providing of adequate security for their enjoyment. If a government is properly and justly administered, this will be its chief business ; and this in its true sense constitutes civil liberty."

Powers of Government.

We say that the powers of government are all powers necessary to carry out the essential objects of government, some of which have just been mentioned. But these powers admit of an easy classification or separation. There must be, and always is, a law-making power. This includes, of necessity, the power to change and repeal laws. A power to hear and determine questions arising upon the application of law,—to administer the law. A power to execute the law.

Making, amending and repealing laws, we call the exercise of legislative power. Applying or administering the law is the exercise of judicial power, and enforcing the laws, the exercise of executive power.

It is the difference in the manner of the exercise of these powers, which are inherent in all government, which constitutes the difference between free government and that more or less despotic.

Distribution of the Powers of Government.

The manner of the exercise of the powers of government, in theory at least, depends largely, if not entirely, so far as the question of free government is concerned, upon the distribution of those powers. To illustrate: Suppose the authority of government vested in one man—the king. He, exercising these powers, makes laws at his will, publishes them or keeps them secret, applies them in person, and executes them to suit himself. His punishments for violations of law are not known until he pronounces sentence.

He may pardon whom he pleases. He may suspend the operation of a law to please a favorite, or make a law, after an act has been committed, to punish an enemy.

It is evident that under such a reign civil liberty could not exist. The successor of such a ruler, on the contrary, might publish a code of laws, equitable, just, and calculated in every way to secure the liberties of the subject. He might judge fairly in the cases brought before him, and impartially and honestly execute the laws. Under such a ruler civil liberty would exist.

But no security would remain to the subject that this state of things would continue. A change might come over the ruler and the whole code of laws be repealed. He might insist upon hearing and deciding cases without reference to the established rules, and punish offences in such manner as occurred to him. Again, the ruler might not himself respect private rights at all, but override in his own actions rules which he compelled the subject to obey. Such a government as has been described has not been an unfrequent event. The security of person

and property in a whole empire has depended upon the temper and acquirements of the son of a king.

History tells us how enlightened communities have gradually shaken off such a state of things.

It has been done by distributing the powers of government, and setting bounds to authority. The setting of limits to authority is as much a part of governing, as much an act of authority, as any other.

Few of these changes for the better, in government, have been suggested or instituted by the ruler. They have come from the people. Many remain as the results of revolution, in which the people governed rose against the established government, and only submitted when concessions were made to them.

It is not difficult to understand how, if the law-making power is separated from the law-enforcing power, and the two powers reposed, for exercise, in different persons or bodies, the chances are better that a good government will exist. And if separate and distinct from both these is kept the power which we call the judicial power, the power which applies the laws to particular cases, another element of good government is added. But if the ruler or executive was not subject to the laws, or if he, at will, appointed and displaced judges, and overawed the legislative authority, order and security was not certain.

So we find that as communities have grown and men have become enlightened, the object and aim of men has been to make this distribution of powers more certain, and the exercise of each more independent of the other.

Political Liberty.

In accomplishing such results, the citizen, the governed, has necessarily asserted himself more and more.

The voice of the community has demanded and enforced progress, until, in good governments, in free governments, the political liberty of the citizen has become a right. Political liberty has been said to consist in an effective participation by the individual in the making of the laws.

If, when political liberty is enjoyed by the subject, civil liberty and a free government in its full meaning is not enjoyed, the citizen must be at fault.

England has been the country in which the warfare for free government was begun, carried on and finished. English constitutional history will inform the American student by what means and after what time, a form of government in which the people participated became possible.

The young American citizen of to-day finds a free government, in which he is allowed directly or indirectly to participate. A plan of government in which the powers are separated, distributed, independent. The continuance of this made certain by written federal and state constitutions. The same constitutions setting bounds to authority, defining the principal rights of the citizen, and themselves beyond any change except in certain prescribed ways. The sovereign people have delegated portions of the sovereign power to departments and officers of government. The power to name the persons who shall exercise these powers is at stated intervals returned to the people. The will of the majority, lawfully expressed, is the supreme law. Powers not delegated remain in the people.

It should be borne in mind, in the study of any plan or form of government, that the sovereign power, residing somewhere in the state, can do what it will.

There is nothing over or above it. It can make such laws as it chooses, in such manner as it chooses, and enforce them in its own way. It can borrow money of its citizens and of foreign states and citizens, and pay or not as it thinks fit. It can, in the plenitude of legislative power, make north south, and change all commonly known standards of value, weight and measure. It can confiscate the property of the citizen, or give it to his neighbor; make murder a misdemeanor, and assault and battery a felony. It can establish a form of religion, and punish with death all who worship in any other form.

Of course, you say, that is not possible. Practically it is not. Theoretically it is. Practically it *has been* true, in effect, at least.

In this country the people are sovereign. Whenever a majority of them shall be of the same mind, what may they not do?

If we have a good government, its plan and characteristics should be understood in order to be perpetuated. If changes seem necessary, they should not be attempted by those ignorant of what they would remedy. The idea that the state, the nation, is something apart from the citizen, a thing to be libelled, resisted and plundered, is a mistaken idea. The state is yourself. It is governed wisely or not as you allow. Steal from it, and you put your hand in your own pocket. Cheat it, and you defraud yourself. More than this. The sins in governing, committed by the fathers, are often *only* visited upon the heads of the children.

QUESTIONS.

To govern is what? What does the word *govern-*

ment suggest or pre-suppose? Write or give an abstract of your own idea of *government* in the general sense? Where does government begin? What comparison between the family and the state? How does one become a person in the state?

Can men live without government? Tell what you can about this? What is civil government? What is the fundamental idea of government? What does civil government import? Give definition of government? What is the tendency of communities in regard to government? What is the object to be attained? With what must government concern itself?

What do we mean by protection of the governed? When is a *right* valuable? The great duty of government? What general powers has the government? What is meant by distribution of the powers of government? In what way connected with the question of free government? Illustrate.

What is meant by setting limits to authority? What changes have contributed to establish free government? From what source have these come? What is the effect of the distribution of the power of government? What evils are probable if not separated? What do you understand by civil liberty? By political liberty? In what country has the struggle for free government been prominent? Give a plan, general, of the government in the American states.

Sovereign authority is what? What may it do in government? Where is the sovereign power in this country? Tell what you can of this? Write an abstract of this chapter.

CHAPTER III.

GOVERNMENT OF THE UNITED STATES.

The term, United States, implies at once a union of states, and the Government of the United States, the government of that union. It will be learned, as this study progresses, that the theory of government in the United States, is that of local self-government. That is, the United States is made up of states, the states of counties, the counties of towns, and the towns in many states, of school and road districts, or other small divisions. These names all represent territorial divisions. They also represent the extent of communities for some purposes of government.

So far as is possible, in each of these political subdivisions, the affairs of the locality are attended to by the people of the locality. In their local affairs, the people govern themselves. In one sense of the term each is a little sovereignty ; a number of these form a sovereignty a little larger, and so on until we have a state.

The first thing to be learned of the Government of the United States is, that it lets alone local affairs. That it employs itself with those matters and subjects of government which are in their character national.

The second thing to learn is, that the powers of the General Government, or Government of the United States, are named, or enumerated, and, while the powers properly belonging to it are full and ample, the theory

is that all other powers and subjects of government belong to the states and the people.

A third thing to learn is, that the powers exercised by the General Government are named and limited in a written constitution, adopted by the people of the states. It has no power or authority over any subject not named in the constitution.

So the people of the states, live in a certain sense under two governments, that of the state and of the United States.

To illustrate, there was not in the beginning of our national existence a large territory, the people of which existed under one general form of government; the divisions of the territory into states was not by that general authority, and for the purposes of convenient government, as a state is now divided in smaller districts for such purposes. On the contrary, the then inhabited territory was divided into a number of colonies, and these colonies had separate and independent existences. Because the people of the colonies were deprived in a measure of political liberty, and not allowed, as they wished, to govern themselves in all local affairs, they declared their independence of Great Britain, and the war of the Revolution was the result.

Before the Revolution, whatever power was exercised over the colonies, in common, was exercised by the Crown or Parliament of Great Britain. When war broke out, the Congress of 1775, assumed the powers of a general government, acting in all matters affecting the general welfare of the colonies.

It conducted the war, declared the independency of the colonies, made treaties and assumed to itself general direction and control of general public affairs.

It was a government springing up of necessity. It had no defined authority ; no power to enforce obedience to its orders.

It was composed of delegates from the different colonies. Those delegates received their instructions from the conventions sending them. The people ratified the acts of that congress by obeying them. In order to define the powers of the General Government, the Articles of Confederation were adopted.

The powers given by those articles were not adequate, in many respects, and a Constitutional Convention was called. It framed a constitution which went into effect in 1789.¹

It is seen, therefore, how of necessity and for the mutual, organized protection of all, a number of independent colonies, united in establishing a general or national government.

¹ This convention was composed of delegates from all the original thirteen states, excepting Rhode Island. It assembled at Philadelphia, May 14, 1787. On the 17th of September following, a form of constitution was agreed upon. It was sent by the congress to the legislatures of the several states, and was by them submitted to conventions of delegates chosen in each state by the people. The several state conventions ratified the Constitution. Ratification by nine states was sufficient to establish it among those states ratifying it. It was ratified in Delaware, December 7, 1787 ; Pennsylvania, December 12, 1787 ; New Jersey, December 18, 1787 ; Georgia, January 2, 1788 ; Connecticut, January 9, 1788 ; Massachusetts, February 6, 1788 ; Maryland, April 28, 1788 ; South Carolina, May 23, 1788 ; New Hampshire, June 21, 1788 ; Virginia, June 26, 1788 ; New York, July 26, 1788 ; North Carolina, November 21, 1789 ; Rhode Island, May 29, 1790. July 2, 1788, the ratification by the ninth state was read to Congress, and an act was at once prepared for putting the Constitution into effect, and on September 13, 1788, Congress appointed days for choosing electors, and resolved that the first Wednesday in March then next should be the time and New York the place, for beginning under the new Constitution. Washington took the oath of office April 30, 1789. The Constitution became the law of the land March 4, 1789.

But to this Government were, as has been stated, only given national powers.

Thus we have the Government of the United States attending to, supervising, controlling and sovereign in all affairs of general national importance, and state governments, entirely independent in most matters of state concern, attending to, controlling and sovereign in all affairs arising within the respective state borders over which the General Government was not given expressly, or by necessary implication, control.¹

The general history of the condition of people in the colonies and of the proceedings from the first to organize and establish the Government of the United States, is interesting as explaining in a measure the reasons for government in any and every community of people. Specific reasons may differ, but the general reason is the same.

From what has been already said, it will be seen how important an instrument is the Constitution of the United States.

The carrying out and exercising of the powers therein given, is the business of our general government, and is the civil government of the United States.

QUESTIONS.

What does the term United States at once imply?

What is the theory of government in the United States?

¹The student is referred to the "Federalist" for the arguments advanced in favor of the adoption of the Constitution of the United States, and in support of the general plan and system of government therein provided. A reading of it will not only be generally valuable, as having been written while the subject was under discussion in the various state legislatures, but as showing with what jealousy the people, individually and as states, examined every provision delegating powers to the General Government.

What do you understand by local self-government?

What is first to be learned of the Government of the United States?

With what does it concern itself?

The second thing to learn? What do you understand by this?

A third thing to learn?

What does the Constitution of the United States do? Is it written or unwritten? Have you ever read it?

Do the people of the state live under more than one government? In what sense? Give the illustration in the text in your own way.

What caused the Revolutionary War?

Before the Revolution, by whom or what power was general authority exercised over the colonies? After the war broke out? What was and is the necessity for a general government?

Tell about the Articles of Confederation. Did you ever read them? The Constitution? How and by whom framed? How adopted? When? When did it go into operation? What powers are given the General Government? Write an abstract of the chapter.

CHAPTER IV.

THE TERRITORY OVER WHICH THE AUTHORITY OF THE GENERAL GOVERNMENT EXTENDS.

The authority of the Government of the United States, exercised within constitutional limits, extends over the whole territory embraced within the several states and territories.

It has jurisdiction also and authority over the District of Columbia, and over certain small divisions of territory acquired by cession or purchase, and used for navy yards, forts, arsenals, lighthouses, and the like.

But the authority exercised over that territory within and that without the borders and jurisdiction of a state, is very different in extent. We shall learn, further on, something concerning the authority given to the General Government with relation to the states and their inhabitants.

Over all territory outside the jurisdiction of a state, the authority of the General Government is supreme.

In the District of Columbia Congress governs directly, attending to and legislating for all the internal affairs of the District.

In the navy yards, arsenals, and like places, few people will be found not actively engaged in the service of the United States.

It is usual, when a state sells or gives a part of its territory to the United States, for the purposes designated, to provide that process from the state courts may be served therein. Otherwise, persons committing crimes within a state against its laws, and fleeing to one of these localities, would be safe from arrest.

In the territories, the Congress of the United States prescribes in what manner the people shall be governed.

The people are not entitled to self government, except as Congress grants the right. Over them exclusive and unlimited power of legislation is given to Congress by the Constitution, and its exercise has been sanctioned by the courts.¹

¹See Const. U. S. Art. 1, Sec. 8; Art. 4, Sec. 3. See also *The American Insurance Co. v. Canter*, 1 Peter's U. S. Rep., 511; 3

The United States owns the land, not patented, in all the great territories. It may sell or give it away. Its disposal is all within the authority and discretion of Congress.¹

Under the authority vested in Congress, it has passed laws providing for the erection of territorial governments, and the appointment of officers in each territory.²

It allows delegates in Congress to be chosen every second year by the people of organized territories, giving them the right to debate, but not to vote, in the House of Representatives.

Territories can only be admitted into the Union and become states at the will of Congress.

It need hardly be said that the inhabitants of the territories and of the District of Columbia do not possess the right to participate in the general government. They do not vote for President or Vice-President of the United States, and, except as above mentioned, are not heard in national affairs.³

QUESTIONS.

Over what territory has the Government of the United States jurisdiction and authority?

Is the authority greater over the States, or over the territory not embraced in a state?

What authority is exercised over the District of Columbia? The Territories?

In what manner are the Territories governed?

Story's Commentaries, 193-198; *Hepburn v. Ellzey*, 2 Cranch, 445; *Corporation of New Orleans v. Winter*, 1 Wheaton, 91.

¹*Johnson v. McIntosh*, 8 Wheaton, 543; *Fletcher v. Beck*, 6 Cranch, 142, 143; Const. U. S., Art. 4, Sec. 3.

²See Ordinance of Congress of 1787, and acts since passed for same purpose.

³See *post* p. 182, and note.

To what extent do the inhabitants participate in the government of the United States?

Who owns the land in the Territories?

What authority admits a Territory into the Union? Do the inhabitants of the Territories vote for President of the United States?

Why is this so? How is it in the District of Columbia?

Write an abstract of the chapter.

CHAPTER V.

DEPARTMENTS OF GOVERNMENT.

Legislative Department.

In the plan of government provided by the Constitution, and under which we live, the three great powers of government—the law-making or legislative, law-enforcing or executive, and the judicial power—are placed in different hands and constitute three departments, each separate and independent. The legislative power is vested in a Congress of the United States. This Congress is composed of two houses or branches, viz., the House of Representatives, or lower house, as it is called, and the Senate. Delegates from the States make up these bodies.

HOUSE OF REPRESENTATIVES.

Delegates to the House of Representatives are elected in the several states, by the people thereof, every second year. For the purposes of this election the States are

divided into Congressional districts. This division is made every tenth year, after the taking of the census of the United States. Representatives are apportioned to the several States by Congress, according to the respective numbers (population). In determining the numbers in each state, Indians not taxed, are excluded.

The act of Congress of February 25, 1882, provides that after March 3, 1883, the House of Representatives shall consist of three hundred and twenty-five members; that whenever a new state shall be admitted, the representatives therefrom shall be in addition to this number.¹

The following table shows the ratio of representation and whole number of delegates in the House of Representatives, under the Constitution of 1789, and after each census since.

	One Delegate to.	No. of Delegates.
Constitution of 1789	30,000 population.....	65
1st census, from March 4, 1793.....	33,000 population.....	105
2d census, from March 4, 1803	33,000 population.....	141
3d census, from March 4, 1813	35,000 population.....	181
4th census, from March 4, 1823	40,000 population.....	213
5th census, from March 4, 1833	47,700 population.....	240
6th census, from March 4, 1843	70,680 population.....	223
7th census, from March 4 1853.....	93,423 population.....	237
8th census, from March 4, 1863.....	127,381 population	243
9th census, from March 4, 1873	131,425 population	293
10th census, from March 4, 1883	154,325 population	325

The constitutional qualifications for a delegate are, that he must be twenty-five years old, have been for seven years a citizen of the United States, and, when elected, an inhabitant of the state in which he is chosen.

In case of a vacancy in the representation from any

¹ See also act of same date providing for apportionment among the states.

state the Governor of that state orders a new election to fill such vacancy.

The House of Representatives chooses its own officers. There are many of these. The principal officer of the House is the Speaker. He is the presiding officer and is chosen from the delegates elected. It is also usual to elect a Speaker *pro tempore*, who acts as presiding officer in the absence or during disability of the Speaker. By a custom of the House of Representatives, the Speaker selects and appoints members to the various committees of the House. As the greater part of the work of Congress is done in committee, and as the committee appointed to consider any branch of legislation has, justly, great influence over those subjects referred to it, it will be seen that the power of the Speaker is very great. His course in the appointment of committee-men at the opening of a new Congress; indeed, the person elected Speaker, if of pronounced views upon political matters of present interest to the people, outlines in a great measure the policy of that political party which is in the ascendant in the House of Representatives, upon those matters.

Next to that of President of the United States, the office of Speaker of the House of Representatives has come to be, apparently, the most important, politically, in the government.

The House of Representatives elects its clerks, Sergeant-at-Arms, door keepers, and other officers necessary to perform its business.

In addition to the members elected from the states, a delegate chosen by the people of each organized territory, is allowed a seat in the House, and a voice in debate. He has no vote.

The House of Representatives has the sole power of originating bills for revenue,¹ and the sole power of impeachment.²

THE SENATE.

The Senate of the United States is composed of two senators from each state. They are chosen by the state legislatures for six years.

Each senator has one vote. No person can hold the office of senator who is not thirty years old, and who has not been a citizen of the United States nine years. He must also be a citizen of the state choosing him.

The presiding officer of the Senate is the Vice President of the United States. He is called President of the Senate. In case of the disability, death or removal of the Vice President, or when he is acting as President of

¹This means that all legislation to raise money for purposes of government, must originate in or be proposed by the House of Representatives. In all matters connected with the enactment or making of laws, the two houses of the legislature are of equal importance and power and laws may generally be proposed in either house. The constitutional provision regarding bills for revenue, is like the custom in England. In Parliament money bills can only originate in the House of Commons.

In Congress the Senate may amend bills of this character and must give them their assent before they can become laws. In England the House of Lords is not allowed to amend such bills, and even their right to reject them is denied.

²When the President, Vice-President, or any civil officer of the United States shall be guilty of treason, bribery, or any other high crime or misdemeanor, they are subject to impeachment, and removal if found guilty, and the articles of impeachment or charges must come from the House of Representatives. In trying one against whom charges are preferred, the Senate sits as a court to try the charges. If the President of the United States is tried, the Chief Justice of the Supreme Court of the United States presides. When sitting for this purpose senators are either sworn or affirmed to try the impeachment as judges would do. Two-thirds of the senators present must agree to convict. If the person tried is found guilty, the judgment of the Senate can only extend to the removal of the person from office, and disqualify him from holding or enjoying any office of honor, profit or trust under the United States.

the United States, the Senate chooses one of its members President *pro tempore*, to act in the place of the Vice President.

The Senate elects its officers, as does the House of Representatives. The Senate committees are not appointed by the President of the Senate, but are made up by the senators themselves, in caucus.

We have already seen that, in general, any law may originate in either house of Congress, and that the assent of each house is necessary to make a law.

Congress must meet at least once in each year. Their meeting is on the first Monday in December, and they meet at the Capitol, in Washington. Each house sits by itself.

Each house is the judge of the election, return and qualifications of its members. A majority of each is a quorum to do business, and a less number than a quorum may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide. Each house keeps and publishes a journal of its proceedings.

Neither house, during a session of Congress, can, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Senators and Representatives receive a compensation for their services, paid out of the Treasury of the United States.¹ They are privileged from arrest, except for

¹ Compensation first paid members of Congress was six dollars for each day's attendance, and six dollars for each twenty miles' travel by the usual road in going to and returning from the capital. This, in case of senators, was increased one-sixth after March 4, 1795. In 1796, the pay of senators and representatives was six dollars a day, and six dollars for every twenty miles' travel. In 1816, the compensation was fifteen hundred dollars, beside travel fees as before. In

treason, felony, or breach of the peace, during their attendance upon the sessions of Congress, and in going to and from the place where Congress meets.

QUESTIONS.

In our country, what division of powers is made? Into how many departments? What are they called?

What is legislative power? In the United States, where vested? How is the legislative body divided?

What are the qualifications necessary for membership in the House of Representatives? By whom elected? How are states divided for this purpose? Upon what basis is this division made? When? Vacancy? Principal officer of the House of Representatives? What can you say of his duties and powers?

What do you understand by bills for revenue? Impeachment? What is the rule in England concerning the originating of money bills? What is the Senate of the United States? Of whom composed? How many to each state? Qualifications for the place? Who presides over the Senate? When does some one else preside? In which may bills generally originate? Is the assent of both houses necessary to the enacting of a law? When does Congress meet? How often? Where? For what purpose? What authority decides on the election, qualifications and return of a member of Congress? What constitutional provisions are there in regard to adjournment of either house? What are members paid?

1818, it was fixed at eight dollars per day, and eight dollars for every twenty miles' travel. In 1856, a salary of three thousand dollars was fixed. In 1866 a salary of five thousand dollars, and mileage at twenty cents per mile, which is the present rate of compensation, although in 1873 it was fixed at seven thousand five hundred dollars, and actual traveling expenses.

In what Congressional district do you live? Name of your Congressman? Names of Senators from your state? What are the privileges of a member of Congress? Write an abstract of this chapter.

CHAPTER VI.

POWERS OF CONGRESS.

(Art. I, Sec 8.)

The Congress shall have power :

1. To levy and collect taxes, duties, imposts and excises ; to pay the debts and to provide for the common defense and general welfare of the United States ; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post offices and post roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and invent-

ors the exclusive right to their respective writings and discoveries

9. To constitute tribunals inferior to the Supreme Court ; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To make rules for the government and regulation of the land and naval forces.

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

16. To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may by cession of particular states and the acceptance of Congress become the seat of government of the United States,¹ and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of

¹ District of Columbia.

forts, magazines, arsenals, dock yards, and other needful buildings.¹

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Some of the Constitutional Prohibitions Upon Congress.

1. The privilege of the writ of *habeas corpus*² shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

2. No bill of attainder, or *ex post facto*³ law, shall be passed.

¹ See ante, page 34 et. seq.

² This is the most famous writ in the law. The name is from the Latin, and means, that you have the body. It is a writ issued by a court or magistrate, directed to a person detaining another person, and commanding him to produce the body of the prisoner at a certain time and place, with the time of his detention and its cause. The object of the writ is to cause a legal inquiry into the cause of imprisonment, and to effect a release of the prisoner if his detention be illegal. The date of the origin of the writ is not known. It was in use by the judges in time of Henry VI. Traces of its existence are found in the time of Edward III. Similar provisions to the one above are found in most state constitutions. It has been held that Congress alone possesses power to suspend the writ. In 1863, Congress authorized President Lincoln to suspend the privilege of the writ throughout the whole or any part of the United States in his discretion. Under this act a partial suspension took place. The power to suspend the writ was never exercised by any state except Massachusetts. It was during "Shay's Rebellion," suspended for nearly a year (November 1786, July, 1787). In the Confederate States it was suspended during the war. Application for the writ may be made by the prisoner or by any one in his behalf. It is usually by petition, verified by affidavit. There is a penalty usually imposed on the magistrate for not issuing in proper case. See Hurd on Habeas Corpus; Bouvier's Law Dictionary.

³ An *ex post facto* law may be defined as one which makes that an offense which was not an offense when committed, or one which makes a crime, or act, punishable in a manner in which it was not punishable when committed,—a law made to punish acts committed

3. No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

4. No title of nobility shall be granted by the United States.

5. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech or of the press ; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

6. The right of the people to keep and bear arms shall not be infringed.

7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

9. No person shall be subject for the same offense to be twice put in jeopardy of life or limb ; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.

before the law was passed, and which had not been declared crimes by preceding laws. It does not mean the same as retroactive laws. Any *ex post facto* law is retroactive, but the converse is not necessarily true. As used in the Constitution it refers to criminal or penal statutes alone. There is a similar provision in most state constitutions. See 1 Kent's Com., 408; Bouvier's Law Dict., "Ex post facto." See, also, for something concerning retroactive laws, Cooley's Const. Lim., 265.

10. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed ; to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defense.

11. Excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

12. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

13. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

14. The validity of the public debt of the United States shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

15. The right of citizens of the United State to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

There is another branch to the legislature. After a bill or law has been approved by both Houses of Congress, it must be approved by the President of the United States.

If he approve and sign it, it becomes a law. If he does not approve it, it is his duty to return it to the House in which it originated, with his reasons for not

signing it. This is called vetoing a bill. When a bill is thus returned, there are three things, any one of which may be done. That House to which the bill is returned may take no further notice of it, or may amend it in a way to meet the objections stated in the veto, pass it as thus amended, send it to the other House of Congress to be approved as thus amended, and so on to the President for his approval. But Congress may refuse to assent to the objections stated by the President, and pass the bill notwithstanding them. This is called passing a bill over the veto. This requires that the bill be approved by two-thirds of the members elect in each House. If the President retains a bill for ten days, Sundays excepted, it becomes a law in the same manner as if he had signed it, unless Congress by adjournment, prevent its return. In such case it does not become a law.

QUESTIONS.

Tell what you can of the powers of Congress? What is Congress? Where does its power come from? How is it limited in regard to power? By what? Has it general legislative power over all subjects of government?

What are some prohibitions upon Congress? In what instrument are these prohibitions found? What do you understand by the term "prohibition?" What is an *ex post facto* law? What do you understand about the writ of *habeas corpus*?

What is the third branch of the legislature?

Its authority and power?

In what manner is the *veto* power exercised? By whom? What is its effect on proposed law? What follows it?

How can a law be passed over the veto?
Write an abstract of the chapter.

CHAPTER VII.

THE EXECUTIVE DEPARTMENT.

We have spoken first of the Legislative Department because it is the most important department of the Government.

While it is true that the different departments are independent and equal, it will be seen that the legislative has the greatest power. It can not control the action of a court already taken, or of the judge of a court, nor can it remove him, nor increase or decrease his salary. But, excepting the Supreme Court of the United States, Congress undoubtedly has power to abolish the system of courts as now existing and create a new one. It may increase or lessen the jurisdiction of inferior courts, it may take away from any inferior court jurisdiction, in such way as to practically abolish the court. It may change rules of evidence and enact statutes of limitations.

The Second Great Department of Government is the Executive.

The executive power of the United States shall be vested in a President of the United States, who shall hold his office for the term of four years.

The President must be thirty-five years old, and a natural born citizen of the United States.

He is paid a salary, from the treasury of the United States, of fifty thousand dollars a year.

He is supposed to reside at the Executive Mansion provided by the Government, usually called the White House, at Washington.

The Constitution provides that "he shall take care that the laws be faithfully executed."

Chief among his duties, therefore, is the selection and appointment of proper persons to assist in executing the laws of the United States.

For the purpose of executing the laws, and attending to the details of executive business, that business has been divided and is managed by several departments called Executive Departments.

For these departments the President nominates heads or managers, and, with the consent of the Senate, these heads of departments are appointed, and constitute the President's Cabinet.

These departments are the departments of State, of the Treasury, of War, of the Navy, of the Interior, of Justice, and the department of Post Office and Post Roads, etc.

The titles of Cabinet officers are Secretary of State, War, the Navy, the Interior, the Treasury, and Attorney General and Postmaster General.

In these departments are employed the great number of men who are doing the detail work of a great government.

The President, with the advice and consent of the Senate, appoints our ministers to foreign powers, the justices of the Supreme Court, and the judges of all courts inferior to the Supreme Court.

If during a recess of the Senate a vacancy occurs in any office, the appointment to which is made by the

President, the President appoints some person to fill the vacancy, the appointment expiring at the end of the next session of the Senate.

By virtue of his office, the President is Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when it is called into the actual service of the United States.

He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. He is required, from time to time, to give the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. This is done by what is called the President's message.

The President may, on extraordinary occasions, convene both Houses or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall deem proper.

In case of the death, disability, resignation or removal, of both President and Vice-President, the President of the Senate, if there be one, shall act as President; and if there be no President of the Senate, then the Speaker of the House of Representatives shall act as President.

The President and Vice-President of the United States are Elected by States.

Each state has as many votes for President as it has members in the Senate and House of Representatives in Congress.

In practice, each political party in a state, in representative convention, elects as many persons, called Presidential electors, as the state is entitled to vote in the

electoral college. The names of these men are printed upon the ballots cast by the voters.

Previous to the election and to the election of these electors, each party has met in national convention, and nominated candidates for President and Vice-President of the United States. Those electors having received the greatest number of votes in each State cast their votes for the party candidates.

QUESTIONS.

Who is President of the United States? How many Presidents have there been? What power has the President? What department of Government does he represent?

Tell what you can about his duties?

Can he make laws? Can he hold court?

What are the qualifications for the office? How is a President elected?

Write an abstract of this chapter.

CHAPTER VIII.

THE JUDICIAL POWER.

The judicial power of the United States is, by the Constitution, vested in one Supreme Court, and in such inferior courts as the Congress may from time to time establish.

The judges, both of the Supreme Court and the inferior courts, hold office during good behavior, and receive at stated times pay for their services from the treasury

of the United States. Their salaries cannot be diminished during their continuance in office.

Since the adoption of the constitution, Congress has established United States Circuit and District Courts, dividing for this purpose the whole territory of the states into circuits and districts.

Each circuit has a circuit judge, and each district a district judge, to preside over the court.

Courts are held at convenient intervals in each district at at least one place therein.

Supreme Court.

The judges of the Supreme Court are each allotted to some circuit, and the circuit courts are held either by a justice of the Supreme Court, by the circuit judge of the circuit, or by the district judge of the district in which the court sits, or by any two of the judges named sitting together.

There are eight justices of the Supreme Court of the United States, besides the Chief Justice. The salary of the Chief Justice is \$10,500 a year, and of each Associate Justice \$10,000 a year.

The Supreme Court holds an annual session at Washington, commencing on the second Monday of October.

The United States are divided into nine circuits. The first circuit comprises Maine, New Hampshire, Massachusetts and Rhode Island; the second, Connecticut, Vermont and New York; the third, New Jersey, Pennsylvania and Delaware; the fourth, Maryland, Virginia, West Virginia, North Carolina and South Carolina; the fifth, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas; the sixth, Michigan, Ohio, Kentucky and Tennessee; the seventh, Indiana, Illinois and Wisconsin;

the eighth, Missouri, Iowa, Minnesota, Arkansas, Kansas, Colorado and Nebraska : and the ninth, California, Oregon and Nevada.

Jurisdiction.

The courts of the United States have jurisdiction over all cases in law or equity, arising under the constitution, laws and treaties of the United States ; all cases affecting ambassadors, other public ministers and consuls ; all cases of admiralty and maritime jurisdiction ; all cases to which the United States shall be a party ; controversies between states ; between citizens of different states ; between citizens of the same state, where the dispute is concerning lands claimed under grants from different states, and between a state or its citizens and a foreign state or its subjects.

In all cases affecting ambassadors, or other public ministers and consuls, and in all those cases to which a state is a party, the Supreme Court has original jurisdiction. In all other cases it has appellate jurisdiction both as to law and fact, but subject to such exceptions and regulations as Congress may see fit to make.¹

¹ When we say a court has original jurisdiction over any subject, we mean that actions concerning that subject may be begun in that court. For instance: In Michigan the circuit courts have original jurisdiction in suits arising upon a promissory note, upon which one hundred dollars or more is due. Suit may be begun in the circuit court upon such a note ; but if the amount due on the note is only fifty dollars, suit in the circuit court can not be begun, or if begun, must be dismissed, because, it would be said, the circuit court has no jurisdiction. But original jurisdiction does not mean exclusive jurisdiction. The same suit may often be begun in one court or in another, as the suitor thinks best. To continue the illustration: A justice's court, in Michigan, has jurisdiction to try any cause arising upon a note to the amount of three hundred dollars. If one had a note upon which two hundred dollars was due, and wished to sue it, he could either begin his suit in a justice's court, or in the circuit court. Both courts have original jurisdiction where the amount is more than one hundred

As at first constituted the Supreme Court had five associate justices and the chief justice. One justice was added 1807, two more in 1837, and one in 1863. This made nine associate justices, or a bench of ten judges. Justice Caton died in 1865, during the administration of Andrew Johnson. A law was passed by Congress over the veto of the President, forbidding the filling of the vacancy, or appointment of any more judges, until the number of associate justices should be reduced to six.

In 1869, Congress passed a law, making the number of associate justices eight.¹

The Supreme Court has been a great power in national affairs. In the history of its proceedings, as in no other

dollars, and are said to have concurrent jurisdiction in suits on contract, involving from one to three hundred dollars.

By appellate jurisdiction is meant jurisdiction to try and determine or to review and correct suits or determinations, which have already been passed upon by some other and lower court.

Thus if you sue or are sued in justice's court, upon a contract involving in amount fifty dollars, and are not satisfied with the result of the suit, you may appeal your case, to the circuit court of the county and have it there again tried and determined.

In such case the circuit court is said to be an appellate court, or court to which an appeal has been taken. The most common exercise of appellate jurisdiction is where causes are taken from courts of general jurisdiction to the court of review, on writ of error or certiorari. In such cases, the questions passed relate to the decisions of law made in the court where the cause was tried, and the judgment is either affirmed, or the cause is sent back for a new trial.

Congress has by statutes limited the appellate jurisdiction of the Supreme Court of the United States, and the limitations refer principally to the amount involved in the controversy.

¹In all there have been eight chief justices: John Jay; John Rutledge, who only sat during one term, and whose appointment was not confirmed by the Senate; William Cushing, who had been an associate justice from the organization, and who resigned the office of chief justice at once, but remained on the bench as associate until his death; Oliver Ellsworth, appointed in 1796, and resigned in 1801; John Marshall, who was chief justice for thirty-four years; Roger B. Taney, who remained on the bench twenty-eight years; Salmon P. Chase, from 1864 to 1873, and Morrison R. Waite, the present chief justice.

history, can be seen the gradual harmonizing by judicial authority of the differences which early sprang up between the state and federal authorities.¹

A large and notable amount of this was accomplished during the term of John Marshall, as chief justice, and the posterity of the American citizens of that time have reason to congratulate themselves that so able and pure a judge, so great a lawyer and a man so thoroughly imbued with the correct spirit of our institutions was then the presiding judge and genius of this court.

The act or acts of Congress found in the United States statutes under the title "The Judiciary," make provision concerning the jurisdiction of the Supreme Court, not already established by the Constitution, and determine and limit the jurisdiction by the Circuit and the District courts. It is not profitable nor possible to attempt even a digest of these provisions.

One or two provisions may be noticed. The Supreme Court has exclusive jurisdiction over all controversies

¹ A considerable number of the earlier cases in this court were suits against states, by citizens of other states, of which the Supreme Court had by the constitution original jurisdiction.

In the case of *Chisholm v. Georgia*, reported in 2 Dallas' Reports, 419, the Supreme Court decided that a state could be sued by citizens of another state. To this decision and the authority of the court the legislature of Georgia made open defiance. The power appeared so inexpedient, that Congress proposed an amendment to the constitution in this respect, and the eleventh amendment to the constitution was adopted.

Another case of great importance was the one known as the *Dartmouth College* case (*Dartmouth College v. Woodward*, 4 Wheaton, 518). A charter had been granted by the British Crown to the trustees of Dartmouth College, in 1769. This the Supreme Court held to be a contract within the meaning of the Constitution; that an act of the legislature of New Hampshire altering the charter in a material respect without the consent of the college authorities, was unconstitutional and void as an act impairing the obligation of a contract. See Art. I, Sec. 10, Const. U. S.

The Supreme Court not only held the law void, but in doing so set aside the judgment of the state court affirming its validity.

of a civil nature where a state is a party, except between a state and its citizens, or between a state and citizens of other states, or aliens. In these cases it has original but not exclusive jurisdiction. It also has exclusive jurisdiction of all suits or proceedings against ambassadors or other public ministers, or their domestics or servants, and original, but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice-consul is a party.

It is also provided that the trials of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury.¹

Without particularizing, most civil cases heard and determined in a district or circuit court of the United States where the amount in controversy exclusive of costs exceeds the sum or value of five thousand dollars, may be reviewed at the option of either party in the Supreme Court.

There are some causes, or classes of causes, where writ of error or appeal is allowed without regard to the amount in dispute. Among these are cases touching patent-rights, copy-rights; actions for enforcement of the revenue laws, some actions against officers of the revenue.

But the Supreme Court has appellate jurisdiction in another class of cases concerning which something has already been said. This is jurisdiction to issue a writ of

¹ It is now many years since a jury was empaneled to try a question of fact in the Supreme Court. It is said that early in the history of the court they were regularly empaneled and held ready to be used if needed. The case of the State of Georgia against Samuel Brailsford, tried in 1794, when the court sat at Philadelphia, was tried by jury. It is probable no jury has been in attendance upon this court since before the time of Marshall.

error to the highest court of any state for the purpose of reviewing the decision of that court in certain cases.

The cases are those where is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, and the decision made by the state court is against their validity ; or where the validity of a statute passed by the legislature of a state, or an authority exercised under the state, is questioned, as being repugnant to the Constitution, treaties, or laws of the United States, and the decision of the state court is in favor of their validity ; or where any title, right or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under the United States, and the decision of the state court is against the title, right or privilege, or immunity specially set up and claimed by either party.¹

Circuit Courts.

The Circuit Courts of the United States have original jurisdiction of suits of a civil nature at law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party, or the suit is between a citizen of the state where it is brought and the citizen of another state.

There are many other cases in which it has jurisdiction. A corporation created by a state, is a citizen of the state within the meaning of this act.

District Courts.

The District Courts of the United States have jurisdiction of all crimes and offences cognizable under the

¹ See act Congress September 24, 1789, Sec. 25; Revised Statutes United States, Sec. 709. For a leading case on the subject see *Martin v. Hunter*, 1 Wheaton, 304.

authority of the United States, committed within their respective districts, or upon the high seas, the punishment of which is not capital (Revised Statutes United States, Title XIII, Chap. 3). The exception to this jurisdiction relates to the deposit, etc., of fraudulent papers in the office of the Surveyor-General of California.

The Districts Courts may also try and determine cases arising under any act for the punishment of piracy, where no circuit court is held in the district; all suits for penalties and forfeitures, incurred under any law of the United States; all suits at common law brought by the United States, or by any officer thereof, authorized to sue; all suits in equity to enforce the lien of the United States upon any real estate for any internal revenue tax; certain suits for the recovery of forfeitures or damages to the United States; all causes arising under the postal laws. It is not profitable to notice all the cases or classes of cases, in which the District Courts have jurisdiction. For the jurisdiction as fixed by statute see United States Revised Statutes, Title XIII, Chap. 3.

Jurisdiction; Source of.

It will be noticed that, excepting the power and jurisdiction given in the constitution to the Supreme Court, the matter of jurisdiction of the courts is left entirely with the Congress.¹

The Constitution, Art. 3, Sec. 2, provides to what cases the judicial power of the United States shall extend, and, of course, all jurisdiction is within these limits.

But in most cases the courts cannot exercise jurisdic-

¹See *Turner v. Bank of North America*, 4 Dallas, 8

tion without the action of Congress, and Congress is not bound to enlarge the jurisdiction of federal courts, so as to embrace every subject to which the judicial power might constitutionally extend.

It has been decided that Congress has no power to extend or enlarge the original jurisdiction of the Supreme Court.¹

And that it has not delegated the exercise of judicial power to the Circuit Courts, but in certain specified cases.²

But it is seen, and it is important to remember, that while the federal authority, legislative and judicial, is restrained by constitutional provisions, still the United States are one nation and one people, so far as concerns matters and power arising under and given by the Constitution. The judicial power of the United States must be competent not only to take care of matters arising under the laws of the United States, but to decide upon the constitutionality of the laws passed by a State.

Either all cases arising under the Constitution, laws and treaties of the United States, must be brought in United States courts, or else the decision of a state court must be subject to review in the courts of the United States.

Decisions upon questions which affect the nation must be uniform. Nothing but confusion could arise if the final judgment in such cases could be entered in the courts of the states.³

¹ *Marbury v. Madison*, 1 Cranch, 137.

² *M'Intire v. Wood*, 7 Cranch, 504; *United States v. Bevans*, 3 Wheaton, 336.

³ See Kent's Commentaries, vol. 1, "Jurisprudence of the United States."

Court of Claims.

One of the necessary incidents of any sovereign authority is that it cannot be subjected to suit in its own courts, except it so elects, and then only in manner provided. For the purpose of passing upon the validity of claims against the United States, Congress has erected a court of claims. It was established by act of February 24, 1855. It consists of a chief justice and four judges, appointed by the President, with the advice and consent of the Senate, who hold office during good behavior. The pay of these judges is four thousand five hundred dollars per annum.

This court holds one annual session, at Washington, beginning on the first Monday in December.

The jurisdiction given this court, by Congress, is found in Chapter twenty-one, Title XIII, of the Revised Statutes. It may hear and determine claims founded on statutes, or contracts, or referred to it by Congress; set-offs and counter-claims of the Government against claimants; claims of disbursing officers; for captured and abandoned property.

A large portion of the business done by this court since the war of the Rebellion has arisen from claims preferred by parties claiming to have been damaged by acts of the federal army.

From judgment entered in this court, there is an appeal to the Supreme Court of the United States.

Any final judgment against the claimant, either in the Court of Claims, or on appeal to the Supreme Court, is a bar to any further claim or demand arising out of the matters involved in the controversy.

When a demand is allowed by the court, it is paid

out of the Treasury of the United States from any funds appropriated generally to the payment of claims.

Any claim against the United States which might be tried and determined in this court, is forever barred unless action is begun within six years after claim first accrues.

But there are exceptions in cases where certain enumerated disabilities exist when a claim first accrues. In the excepted cases, the claim is not barred until three years after the disability is removed.

QUESTIONS.

By what instrument are powers of government distributed? How and where was this instrument framed? In what hands is the judicial power vested? How are judges appointed? How long do they hold office? What courts have been established by Congress? Tell what you can of the Circuit Courts? How many justices of the Supreme Court? How many circuits in the United States? How many circuit judges? In what circuit do you live? In what district? What is original jurisdiction? Appellate jurisdiction? Concurrent jurisdiction? What can you tell of the history of the Supreme Court? Can it be abolished by Congress? Why not? Who is present Chief Justice? From what state?

What exclusive jurisdiction has Supreme Court? Can a case be begun in that court? What cases? What is the principal business or jurisdiction of Supreme Court?

What class or classes of causes may be reviewed by the Supreme Court? In reviewing these does the court exercise original or appellate jurisdiction? Does the

amount involved have anything to do with the right to have cause reviewed?

Is this true of all cases? What is the jurisdiction of Circuit Courts? District Courts, give jurisdiction?

What other court is there? For what purpose established? Why?

How is the court constituted? Its sessions?

What is necessary to be done before a state can be sued by one of its citizens? Why? Is there an appeal from decision of Court of Claims? To what tribunal?

Write an abstract of the chapter.

CHAPTER IX.

SOME OF THE CONSTITUTIONAL PROHIBITIONS UPON STATES.

1. No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a legal tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility. —Art. 1, Sec. 10.

Treaty, Alliance, Confederation.

The reason for this prohibition upon the states is obvious. The treaty making power ought to belong exclusively to the nation. There should be no dealings with foreign states or powers, except by the General Government. A treaty made by the General Government is the law of the land, binding upon all the states, and its enforcement or non-enforcement a question of general

national policy. This prohibition is an expression of the sentiment of the states assembled in convention for the purpose of laying the foundations for a system of government, that the dealing with all foreign powers should be through the national authorities, and that the states should have no such power. The President and Senate can alone make treaties.

Letters of Marque and Reprisal.

By the Constitution the authority is given Congress to grant these letters. It is also prohibited to the states.

A letter of marque and reprisal is a commission granted by the government to a private individual, to take the property of a foreign state, or of the subjects of a foreign state, as reparation for an injury committed by such state, its citizens or subjects.¹

It is a hostile measure to redress grievances, but such letters are granted when the nation granting them and the nation against whom granted are at peace. They are not necessarily preliminary to war. It is a manner of retaliating for injuries suffered by a nation or its citizens at the hands of another nation.

A vessel fitted out at private expense and armed with this commission is called a privateer. To encourage this sort of warfare, the owners and crews of such vessels are allowed to divide and appropriate to themselves the property captured. Privateering was formerly very common. In 1856, the leading powers of Europe, in congress at Paris, declared against privateering. In this congress and declaration the United States declined to join. During the civil war in America, Congress

¹ See Bouvier's Law Dictionary, "Letter of Marque."

authorized the President to grant letters of marque. None were issued.

The Confederates offered such letters to foreigners, but they were not accepted.¹

Coin Money.

There are many obvious reasons why, in a great nation, there should be a regular and uniform coinage. If each state could coin money, making a standard of weight and fineness for itself, giving to each coin a name of its own, the confusion would be great. The states are so closely bound together in interests, in commerce especially, that it would practically be impossible to conduct business with so many kinds of coins.

Bills of Credit.

No state shall emit bills of credit. In the sense in which the term is used in the Constitution, a bill of credit is paper or notes issued by a state, on the faith and credit of the state, designed to circulate as money.

The prohibition does not apply to notes of a state bank, drawn on the credit of a particular fund set apart for the purpose. The state may incorporate a bank, and bills be issued and circulated as money; but so long as they circulate upon private credit, they are not bills of credit within the meaning of the Constitution.²

Nor does the prohibition extend to an evidence of indebtedness issued by a state for money borrowed or services performed for it.

¹ See on this subject generally, 1 Kent's Commentaries, 96; Twiss, Law of Nations, 73; Story, Const.; Wheaton's International Law, § 290; Chitty, Law of Nations, § 1,356; Declaration of Paris, April 15, 1856; Bouv. L. Dict., "Privateer."

² See 1 Kent's Com., p. 407; *Craig v. State of Missouri*, 4 Peters' U. S. Rep., 410; *Briscoe v. Bank of Kentucky*, 11 Peters', 257.

Bill of Attainder.

The doctrine of attainder is hardly spoken of or known to present generations. Formerly, in England, whenever a person had committed treason or felony and received sentence of death for his crime, it worked an attainder. It was the extinction of all civil rights and capacities. Its effect was to forfeit to the crown all his estate, real and personal. His blood was corrupted, so that nothing passed by inheritance from or through him.

Abolished in England by Statute 33 and 34 Victoria, Chapter 23. In this country, during and after the Revolution, acts of attainder were passed by several states.

A bill of attainder was a legislative conviction and punishment for crime.¹

We have already learned what an *ex post facto* law is, and probably no further reference need be made to that subject.

No State shall Pass a Law Impairing the Obligation of Contracts.

This provision has given rise to as much discussion and litigation as any clause in the Constitution. It is a constitutional restriction upon the legislative power of the states.

It was early settled, or decided, that when a law was in its nature a contract, and absolute rights had vested under that law, that a repeal of the law could not impair these acquired rights. A grant is a contract, within the meaning of the Constitution, and a grant from a state is as much protected as one from an individual.

¹See Macaulay's History of England; Story, on Constitution, § 1,344; Cummings v. Missouri, 4 Wallace, 277; *Ex parte Garland*, 4 Wallace, 333; Cooley, Const. Lim., p. 262 and note 1.

Nor can the legislature repeal laws creating private corporations, so as to take away property, or vest it in others, without the consent of the corporation, or some default on its part.¹ It has been held that a contract between two states was protected in the same manner.²

Republican Form of Government.

No state can abolish the republican form of government. Such a form of government is guaranteed by the Constitution of the United States, and if abolished would call for and receive the direct intervention of the federal authority.

QUESTIONS.

Write an abstract of Art. 1, Sec. 10, United States Constitution.

What is a treaty? What are letters of marque and reprisal?

What is a bill of attainder? *Ex post facto* law?

Reasons why a state should not make a treaty or alliance?

What authority can alone make treaties?

Why should not each state coin money?

What is a bill of credit? To what extent does the prohibition extend? Has a state power to incorporate a bank?

When was attainder abolished in England? When in this country? Write an abstract of what is said concerning laws impairing the obligations of contracts.

¹Fletcher v. Peck, 6 Cranch. 87; New Jersey v. Wilson, 7 Cranch. 164; Terrel v. Taylor, 9 Cranch, 43; Dartmouth College v. Woodward, 4 Wheaton, 518.

²Green v. Biddle, 8 Wheaton, 1. See, generally, Cooley's Const. Lim., 273; 1 Kent's Com., 413.

CHAPTER X.

SOME OTHER POWERS OF SOVEREIGNTY.

Eminent Domain.

The right to take private property for public use, is one inherent in the sovereign power. But for the restrictions upon this power in the Constitution of the United States and of the states, we should not be concerned with the subject, except as a general power of government. It is important to know the force and effect of the power as restricted.

What the Right is.

The eminent domain has been defined as "the right which belongs to the society or to the sovereign of disposing in case of necessity, and for the public safety, of all the wealth contained in the state." This is a narrow definition because, unless convenience is to be treated as a necessity, it does not define the right. There exists in every government, or in the aggregate of the society, an idea and right of property remaining after the grant to individuals of the highest private title. It is sometimes said that when title is taken from the government, there is always an implied reservation by the government, of the right to resume possession and control of the property, in the manner directed by the Constitution and laws of the state, whenever the public interest requires it. "Title to property is always held upon the implied condition that it must be surrendered to the Govern-

ment, either in whole or in part, when the public necessities, evidenced according to the established forms of law, demand."

The right is the same one existing in the society or state, as the one to navigate public waters, to fish in them, and the like. But in the navigation of navigable lakes and streams, no private rights are interfered with. When, however, a common highway becomes a necessity, there are usually private rights to be first divested. The owner of land necessary to the road may dedicate it to the public for use as a highway, may sell it to the public, or may be forcibly dispossessed if he will neither sell nor give.¹

"As there is not often occasion to speak of the eminent domain except in connection with those cases in which the government is necessitated to appropriate property against the will of the owners, the right itself is generally defined as if it were restricted to such cases, and is said to be that superior right of property pertaining to the sovereignty by which the private property acquired by its citizens under its protection may be taken or its use controlled for the public benefit, without regard to the wishes of the owners. More accurately, it is the rightful authority which must rest in every sovereignty to control and regulate those rights of a public nature which pertain to its citizens in common, and to appropriate and control individual property for the public benefit, as the public safety, convenience, or necessity may demand."²

Property Subject to the Right.

Every species of property may be taken under this

¹ See Cooley, *Const. Limitations*, Chap. XV.

² *Ibid.*, p. 524.

right which can not be appropriated by any other recognized right. Money, and rights of action only, it cannot be needful to take in this way.

The Right as Belonging to the National Authority.

The regulation, in this country, of private rights, privileges, and immunities belongs to state government. The right of eminent domain pertains to state governments rather than to that of the nation.

In the new Territories, where the United States Government possesses complete sovereignty, it possesses this right also. When the state is formed, the right passes to it. The General Government then possesses the right only so far as it has sovereign authority. It may still exercise it for its own purposes, as for forts, light-houses, military roads, and similar purposes.

Must be for a Public Purpose.

The right can only be exercised for a public purpose. But what is a public purpose? Certainly if the public interest will in no way be promoted, the purpose cannot be a public one.

There could be no protection at all to private property if it could be taken for any but public uses. Yet there is great variety of opinion as to what may be considered and treated as a public purpose, so as to allow the exercise of this right. It has been said that if the public interest can in any way be promoted, it must rest in the wisdom of the legislature whether the benefit will be sufficient to warrant the exercise of the right.

The legislatures of several states have authorized the taking of lands for mill sites, when it was impossible, from the nature of the country, to obtain mill sites without overflowing lands thus condemned.

There may have been a time when the government should allow the exercise of this right in favor of saw mills or grist mills. At present, however, it would seem that hotels, churches, and mills of every kind were as much a public necessity as saw mills.

The right is most frequently exercised in condemning lands and other property for canals, drains, wharves, and public roads of all kinds. But, as has been before stated, the right is the same one exercised by government in building levees, court-houses, universities, prisons.

“The common highway is kept in repair by assessments of labor and money ; the tolls paid turnpikes, or the fares on railways, are the equivalents to these assessments, and the latter are equally public highways with the others, when open for use to the public impartially. The government provides court-houses for the administration of justice ; buildings for its seminaries of instruction ; aqueducts to convey pure and wholesome water into large towns ; it builds levees to prevent the country being overflowed by the rising streams ; it may cause drains to be constructed to relieve swamps and marshes of their stagnant water ; and other measures of public utility, in which the public at large are interested, and which require the appropriation of private property, are also within the power, where they fall within the same reasons as the cases mentioned.”¹

The Taking.

The taking must be by legislative authority, and the legislature of the state must determine in what cases the right shall be exercised. But the taking need not be

¹ Cooley Const. Lim., 533.

by the state itself, nor to the state. If in the opinion of the legislature the use can be made as effectual by the employment of other agencies, they may be employed.

In the case of a common highway, the title to the land taken is not disturbed. It remains in the former owners of the soil. The land is subjected to the burden of the public right of travel. This right acquired by the public is called an easement.

This easement or right is protected by government by criminal proceedings when the general right is disturbed. In other cases it is important and proper that the title to the property should be taken to the municipality for whose use it is especially designated. Take the case where land is needed for a district school-house. The building and the land upon which it is to be built are for the especial benefit of the people of the district. It is to be under the care of the district. The legislature delegates to the district the exercise of the power of eminent domain. In the case of railroads the right is delegated to the corporation. It being established by the legislature that railroads are a public necessity, and can be as well or better built, so far as the general benefit is concerned, by individuals or corporations, they have been authorized to take private property for the construction of such highways.

Limitations.

By whomsoever the right is exercised, it is limited in both the federal and state constitutions.

In the Federal Constitution is the direct provision that private property shall not be taken for public use without just compensation. This is usually repeated in state constitutions. But there are other limitations, constitu-

tional and resting in common sense. The taking must be limited to the necessity. When a part will do, the whole can not be taken. If the needed public use can be secured by allowing the owner to occupy for some purpose or purposes not inconsistent therewith, such occupation should be allowed him. If only the use is needed, the title should not be taken.

But much of what is necessary is for the legislature to determine, if indeed the whole question is not for them.

No person shall be deprived of life, liberty or property, without due process of law. This constitutional provision would require that the statutes of the state adopting or permitting a manner of exercising this great right of eminent domain, be followed ; and it is the ruling of the courts that in any taking, either by the state through its proper officers, or by individuals or municipalities to whom the power is delegated, the forms of law must be strictly followed.

Compensation must be provided for in every case, and it must be just compensation. When the law has directed to what tribunal the fixing of compensation shall be left, there is generally no going beyond the decision reached.

But it must be reached in a proper manner, upon a proper submission. The government may take private property for its own uses, without beforehand making compensation to the owner. When it is taken by private parties, it is reasonable that the constitution or the statute provide for payment either before or at the time of the taking. The constitution and statute law of each state must be consulted to ascertain the proceedings provided for exercising this right.

The United States a Preferred Creditor.

The United States have a preference, as creditors, over individuals and over states. 1. In the case of the death of the debtor, without sufficient assets. 2. In case of bankruptcy or legal insolvency of the debtor, manifested in some way known to the law. 3. In case of a voluntary assignment by the insolvent of all his property to pay his debts. 4. In the case of an absent, concealed or absconding debtor whose effects are attached by process of law.

The priority was intended to operate only where, by law or by act of the debtor, his property was sequestered for the use of his creditors.¹ In other words, the claim of the United States against a debtor does not operate to avoid any lien of other creditors already acquired, or any rights in the debtor's property or estate, but, the creditors standing upon an equal footing in respect to acquired or vested rights in the debtor's estate, the debt of the United States is preferred and first paid.

QUESTIONS.

What is the eminent domain? To what power does it belong? Is it restricted in the United States?

Tell what the right is. Upon what principle in government does it depend? Write an abstract of "what the right is." What sorts of property may be taken? Why not money? Why not rights of action? To what extent does the right belong to the National authority? For what purposes must the right be exercised? Why? What is a public purpose? What are common instances of the exercise of the right? By what authority must the taking be authorized? Can the state itself condemn

¹ Kent's Commentaries, I, p. 247.

property for its purposes? Can any other person or persons receive the authority? From what source do railroad companies derive the authority to lay a road through a farm?

Do cities exercise the same right in taking houses and lands for opening a street?

Can a school district condemn private property? For what purpose? Could it condemn property for a church site? Why not? What are some of the limitations upon the exercise of the power? Is there any limitation upon the power of the legislature to exercise the right?

How much property or land may be taken?

What is compensation? Write an abstract of this chapter. What can you say about the United States being a preferred creditor? When is its debt preferred?

Write an abstract of this subject.

CHAPTER XI.

PUBLIC REVENUES.

Taxation.

Government must be supported. It pays out money to those who do its business. It pays pensions, keeps an army and navy for the common defense, and is obliged to have revenue from some source. The public needs in this regard are supplied by taxation.

Taxes are "the enforced proportional contribution of persons and property, levied by the authority of the state for the support of the government and for all

public needs.”¹ “The public revenues are a portion which each subject gives of his property, in order to secure and enjoy the remainder.”² They are “burdens or charges imposed by the legislative power of a state upon persons or property, to raise money for public purposes.”³

The citizen and property owner owes to the Government, for the protection of life, liberty and property, a duty to pay taxes. They are necessary, that the Government may carry out its functions.

Taxes differ from subsidies in being regular and uniform, and they differ from forced contributions, loans and benevolences of arbitrary and tyrannical periods, in that they are levies by authority of law, and by some rule of proportion which is intended to insure uniformity of contribution and a just apportionment of the burdens of government. In an exercise of the power to tax, the purpose always is that a common burden shall be sustained by common contributions, regulated by some fixed general rule, and apportioned by the law according to some uniform ratio of equality.⁴ The power to tax is a sovereign power, and the sovereign power has unlimited right to tax all persons and property within the limits of sovereignty. In the United States, under the division of powers made by the Constitution, the authority to tax is legislative. We have already seen that money bills, or bills for revenue, must originate in Congress, and only in the House of Representatives. While, then, taxation is necessary in some form, it is for the legislature to say in what form, to what

¹ Opinions of Judges, 58 Maine, 591.

² Montesquieu, *Spirit of the Laws*, b. 13, ch. 1.

³ Blackwell on Tax-titles, p. 1.

⁴ Cooley on Taxation, p. 2, and cases there cited.

extent, and upon what subjects it is discreet or politic to lay and apportion a tax.¹

The executive and judicial departments have nothing to do with questions of legislative policy. No matter how unjust or oppressive a tax may appear, it will be enforced if not opposed to the fundamental law of the state. The motives which have influenced the selection of objects for taxation, or determined the rate, can not be inquired into for the purpose of invalidating the tax. But in the United States there are some restrictions upon the exercise of the taxing power.

Restrictions upon the Taxing Power.

First, in the Constitution. Duties, imposts and excises must be uniform throughout the United States. A capitation or other direct tax must be laid in proportion to the federal census, according to which representation in the House of Representatives is determined. No tax or duty can be laid on articles exported from any state. These are express restrictions. To them is to be added one, always implied : No tax can be laid on a state or its agencies of government, nor any which can tend to impair the sovereign power of the state.²

Second, limitations which inhere in the very power itself. Some of these may be given : 1. A tax shall be imposed for the public good ; but what is for the public good is for the legislature to decide. 2. A tax must be laid for a public purpose. The question here, however, is not one concerning which the determination of the legislature is final. What is or is not a public purpose, is a question of law. 3. A tax can only be laid upon

¹Cooley on Taxation, p. 34.

²Const. U. S., Art. 1, Secs. 8, 9. Cooley on Taxation, p. 73, *et seq*

the persons and property within the territorial limits of the sovereignty ; but when a person is resident within a state, his personal property accompanies him, in contemplation of law, and he may be required to pay taxes on it wherever he is. Real estate within the limits of a state may belong to non-resident owners, but may always be taxed.

4. The power to tax can not be delegated. It must be exercised by the Congress itself.

5. And relating, as above stated, to an exception always implied : The Federal Government can not tax the means or agencies by which the state carries on its functions, nor the salaries of state officers, nor a state municipal corporation.¹

Taxes are direct and indirect. Direct taxes within the meaning of the United States Constitution are only capitation taxes (a tax upon heads, or persons) and taxes on lands.

Direct Taxes.

The Government has exercised the right to levy a direct tax but few times. It can not be made uniform, and is objectionable upon that and other grounds. At the breaking out of the war of the Rebellion, a direct tax was laid on the states. The Northern States, however, assumed the amount of the tax themselves, and paid it to the General Government, rather than have their citizens taxed in that manner.

Indirect Taxes.

The larger part of the revenues of the United States is raised by indirect taxation. Taxes are levied upon

¹ See Cooley, Taxation, pp. 41 to 66.

commodities, and are paid by the consumer, in the end, in the market price of articles taxed.¹

There are now very few taxes paid by citizens in any other way. These taxes upon commodities may be upon those manufactured at home, but are principally upon imported goods. A tax upon imports is called a duty or impost.

When the tax is upon the consumption or sale of a commodity, it is called an excise. An instance is the tax now paid the United States by retail dealers in tobacco and liquors.

Postage.—The money we pay as postage can not be called a tax upon us, since service is performed for us for which we should pay. If one does not use the post-office or mails, there is nothing to pay. The expense of the postal system can only fall on such an one when the post-office department is not self-supporting, and then only in common with everybody else.

Collection of the Revenue.—The revenue is collected

¹The text has given the rule applicable to a system of impost duties or taxes, laid for purposes of revenue only; but, in the interest of home labor and manufacturing, governments sometimes adopt a policy protective in character. This has been the policy of the United States for years.

Free trade is the removing of all restrictions and allowing goods from foreign nations and countries to be laid down in America, without tax or charge. Arguments are not wanting in favor of each system.

Many men think that our ports should be open to the world, that the world may compete for our trade. Others, that such a tax should be laid upon imported goods, that the money necessities of the government may be met by it. *Protectionists* believe that each nation should be in every way self-sustaining; that the manufacture of such goods as are needed in the country should be encouraged; that the price at which goods might be bought under a free trade system, is a small matter compared with a probable collapse of all manufacturing industries, or a continuance of these industries upon a basis of payment to labor fixed by the standard of thickly-inhabited European countries. The question has become a political one, and concerning it old party lines are much broken.

by the servants or officers of government. There are at all ports of entry in the United States collectors of customs. These, with their deputies and employés, look after the collection of the duties on goods brought into this country from foreign nations.

The United States are divided into Internal Revenue Districts, and over each of these is a collector. These officers and their deputies collect the internal duties from manufacturers and dealers in tobacco, cigars, liquors, and the like.

Public Lands.—A further and considerable source of revenue to the United States, is from sales of public lands.

We have learned that the General Government owns the unpatented lands in the great territories.

Many acres of these are sold by the Government. Large quantities are given away, the only requirement being a stated prior residence on the land, and certain improvements thereon.

QUESTIONS.

In what manner is Government supported?

What need has the nation of money?

What are taxes? What right has the Government to call upon citizens for contributions? Are taxes voluntary or involuntary contributions? How do they differ from subsidies?

What is a subsidy? Give an example of one.

Upon what principle is the power to tax exercised?

Is it a sovereign power? What department of Government fixes the amount and names the subjects of taxation?

What have the executive and judicial powers to do with the policy of taxation?

Give the constitutional restrictions upon the power of taxation.

What power determines, finally, whether a tax is for a public purpose or not? Why?

What are direct taxes. Indirect? What can you tell us about direct taxes? Are such taxes commonly levied in this country? In what manner is the revenue of the United States principally raised? Is postage a tax?

How is the revenue collected?

What other source of revenue has the United States?

Write an abstract of this chapter.

CHAPTER XII.

HOW THE PRESIDENT IS ELECTED.

The Primaries.

Parties will always make necessary the selection, before the time for casting the electoral vote for President and Vice-President, of candidates for these offices, that there may be combined effort and voting.

The selection of men for these high offices begins in the townships, wards and voting precincts all over the United States. The method of participating in nominations is republican. Delegates are chosen to a county convention. These delegates may be instructed, and in all honor bound, by the resolutions of these primary conventions, to select only such men in county convention as will, in the state convention, elect delegates who are favorable to the views of the people in the primaries, in the choice of candidates.

I know of no other way by which the people them-

selves, in a state, can with certainty be heard in a national convention. The county convention elects delegates to the state or district convention. Whether separate district (Congressional districts is meant) conventions are held, or all meet in state convention, each Congressional district nominates its delegates to the national convention. In both the Democratic and Republican parties the representation from the states is the same, viz., two delegates for each Congressional district, and two at large, chosen by the state convention, for each United States Senator. The Republicans allow also two delegates from each organized territory and two from the District of Columbia.¹

The place for holding the national convention is fixed by the national committees of each party.

There, at the appointed time, the delegates assemble. The credentials of each delegation are examined by a committee for that purpose. A temporary chairman is nominated by the national committee. Committees on permanent organization, resolutions, etc., are appointed. A permanent organization is effected, and the order of business adopted is taken up. When the order of balloting for candidates is reached, nominating speeches are made, the roll of states being called to allow names to be presented.

In Republican conventions a majority of all the delegates present and voting nominate; in Democratic conventions, a two-thirds vote is required.

Before the balloting begins, a platform has usually been adopted, setting forth the principles of the party, with its declarations upon any pending national issue.

¹At the last National Democratic convention, held since the manuscript for this work had been prepared, delegates from the territories were admitted.

The Electoral College.

Each state has as many votes for President and Vice-President, as it has delegates in both branches of Congress. The combined electoral vote of the states is the electoral college. A candidate to be elected by the electoral college must have a majority of these votes.

The electors, according to the Constitution of the United States, meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves.

They are required to name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and make three distinct lists of all persons voted for for both offices and the number of votes for each. These lists are signed and certified by them and transmitted, sealed, two to Washington, directed to the President of the Senate—one list by mail, the other by special messenger. The third list is transmitted to the judge of the district court in the district in which the electors meet.

These electors are chosen, then, by the people of each state, and in this way. Each party, having a candidate for these offices, chooses, in state conventions of the party, its electors. It is of course understood that those electors receiving a majority or plurality of the votes in the state will cast their votes for the party candidates.

Each party ticket is headed by the names of electors chosen by the party. The ballots are cast in the townships, wards and voting precincts of the state. At each polling place they are counted and the result announced. The statements of votes are sent to the county clerk of

each county, as a rule, certified as provided by law, and the result in the county transmitted to the persons or board designated to canvass the state vote. The persons determined by the state canvassers to have been elected, receive certificates of election. No senator or representative, or person holding an office of trust or profit under the United States, can be an elector

Congress is given power to determine the time of choosing electors, and the day on which they shall give their votes, and these times are the same throughout the United States.

Electors are chosen on the Tuesday next after the first Monday in November, every fourth year. They vote on the first Wednesday in December of the same year in which they are elected.

Counting the Electoral Vote.

The President of the Senate, on the second Wednesday in February next after the election, in the presence of the Senate and House of Representatives, opens the certificates. In order that certificates of the vote of each state may be at Washington on that day it is provided, that if none have been received from any state on the first Wednesday in January, the Secretary of State shall send a special messenger to the judge of the district in whose custody is one of the certificates, and said judge is required to transmit his copy to Washington at once. Upon opening the certificates, the votes are counted. The person having the greatest number of votes for President shall be President, if he have a majority of all the electors. The same is true of Vice-President. But if no person has a majority then, from the persons having the highest numbers, not exceeding three, the House of

Representatives chooses the President. In taking this vote it is necessary that there be present a member or members from two-thirds the states ; a majority vote of all the states is necessary to a choice; the vote is taken by states, the representation from each state having one vote.

If no candidate for Vice-President has a majority of all the electors, then from the two persons having the highest number of votes the Senate chooses the Vice-President. For this purpose there must be present two-thirds of all the Senators, and a majority of them elect.

If when the right of choice devolves upon them, the House of Representatives shall not choose a President before the fourth day of March next ensuing, then the Vice-President acts as President, the same as in case of the death of the President.

The following table shows the next electoral college:

Alabama, - - - -	10	Mississippi, - - - -	9
Arkansas, - - - -	7	Missouri, - - - -	16
California, - - - -	8	Nebraska, - - - -	5
Colorado, - - - -	3	Nevada, - - - -	3
Connecticut, - - - -	6	New Hampshire, - - - -	4
Delaware, - - - -	3	New Jersey, - - - -	9
Florida, - - - -	4	New York, - - - -	36
Georgia, - - - -	12	North Carolina, - - - -	11
Illinois, - - - -	22	Ohio, - - - -	23
Indiana, - - - -	15	Oregon, - - - -	3
Iowa, - - - -	13	Pennsylvania, - - - -	30
Kansas, - - - -	9	Rhode Island, - - - -	4
Kentucky, - - - -	13	South Carolina, - - - -	9
Louisiana, - - - -	8	Tennessee, - - - -	12
Maine, - - - -	6	Texas, - - - -	13
Maryland, - - - -	8	Vermont, - - - -	4
Massachusetts, - - - -	14	Virginia, - - - -	12
Michigan, - - - -	13	West Virginia, - - - -	6
Minnesota, - - - -	7	Wisconsin, - - - -	11

Total,	401
Necessary to a choice,	201

QUESTIONS :

Tell what you can about how delegates are elected to nominate candidates? Where are they first chosen? To what convention? From what convention to the national convention? Why are there more than one set of conventions? How many delegates are allowed under party rules in the Republican national convention? In the Democratic? Who calls the conventions? Who fixes the place for holding them? Are delegates allowed from the territories? In what party? Give an account of the proceedings at national conventions? Is there any difference in parties as to the vote required to nominate? What is it? What is the electoral college?

Tell how they are chosen, where they meet, and how they vote? What record do they make of their vote? What is done with the certificates?

How are electors elected? On what day? Is this the same in each state? When do the electors vote? Is this on the same day in all the states?

Where are the electoral votes counted? When? Before whom? What is necessary to an election? If the electors have made no choice who elects the President? By what vote? Within what time? If there has been no choice for Vice-President, how is he elected?

How many electoral votes are there? How many necessary for a choice?

INDEX.

REFERENCES ARE TO PAGES.

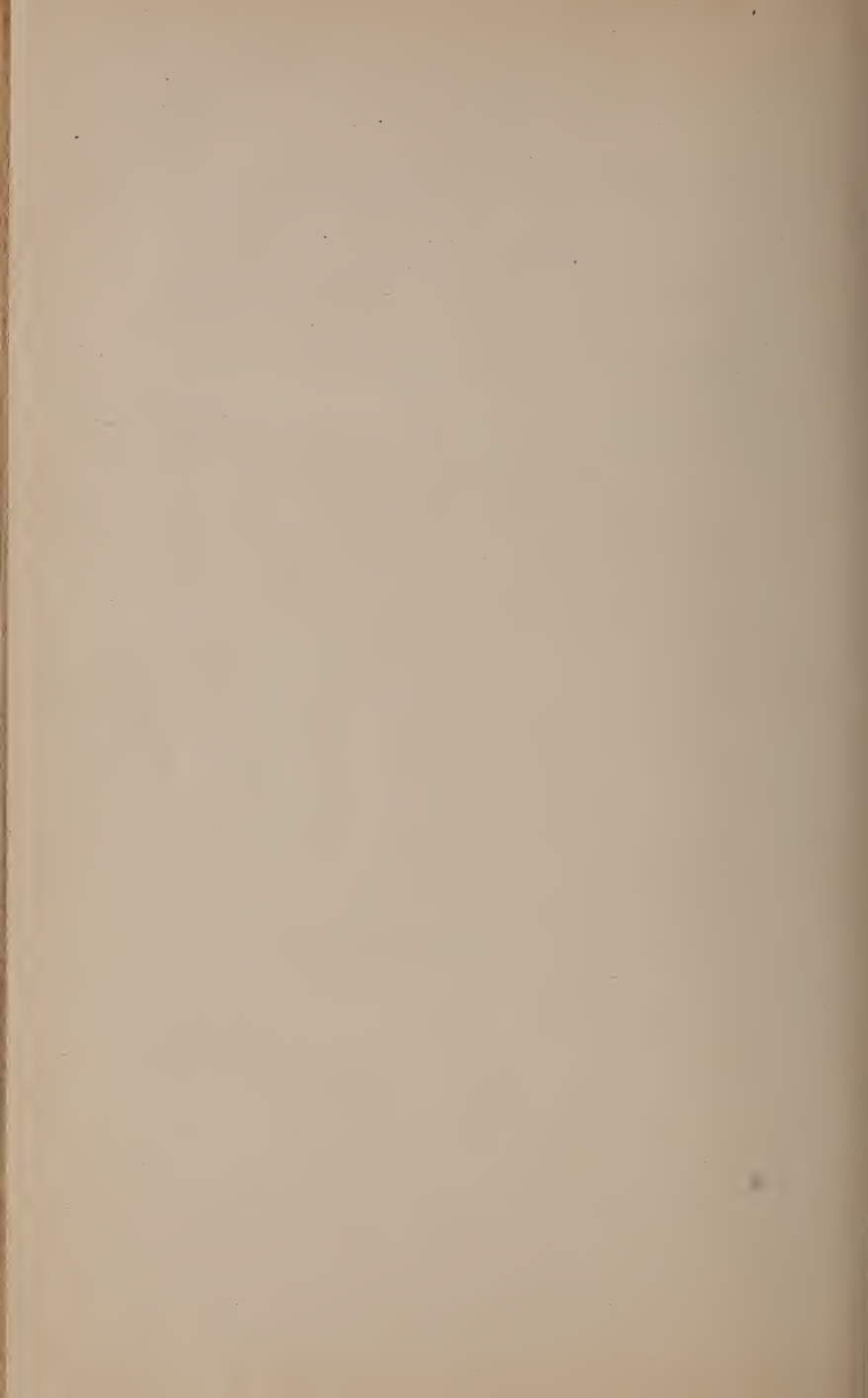
Introduction.....	3
Table of contents.....	iii
Accumulated Constitutions.....	9
Act of Congress, takes effect when.....	16
Act of Parliament, takes effect when.....	16
Arsenals, authority governing.....	35
Attainder, bill of.....	66
Attorney General, U. S.....	50
Authority of Government of U. S., territorial extent.....	34-36
Authority, sovereign ; powers exercised by.....	10
Bill of Attainder.....	66
Bills of Credit.....	65
Bills for Revenue.....	40
Circuit Court, State.....	146
Civil Government, what it is.....	18-28
Imports, what.....	20
Civil Liberty.....	25
Coin money, power to.....	65
Collection of Revenue.....	79
Concurrent jurisdiction, meaning of.....	55
Congress, act of, when takes effect.....	16
Powers of.....	43-49
Prohibited powers.....	45-49
Constitution, definition of.....	7
Force and effect of.....	9
How formed.....	8
Written and unwritten.....	8
Constitutional prohibitions upon the States.....	63
Construction of Statutes.....	16
Contracts, obligations of ; laws impairing.....	66
Convention of 1787.....	32
Counting the electoral vote.....	84
Court of Claims.....	61
U. S. Supreme.....	52
U. S. Circuit.....	58
Credit, bills of.....	65

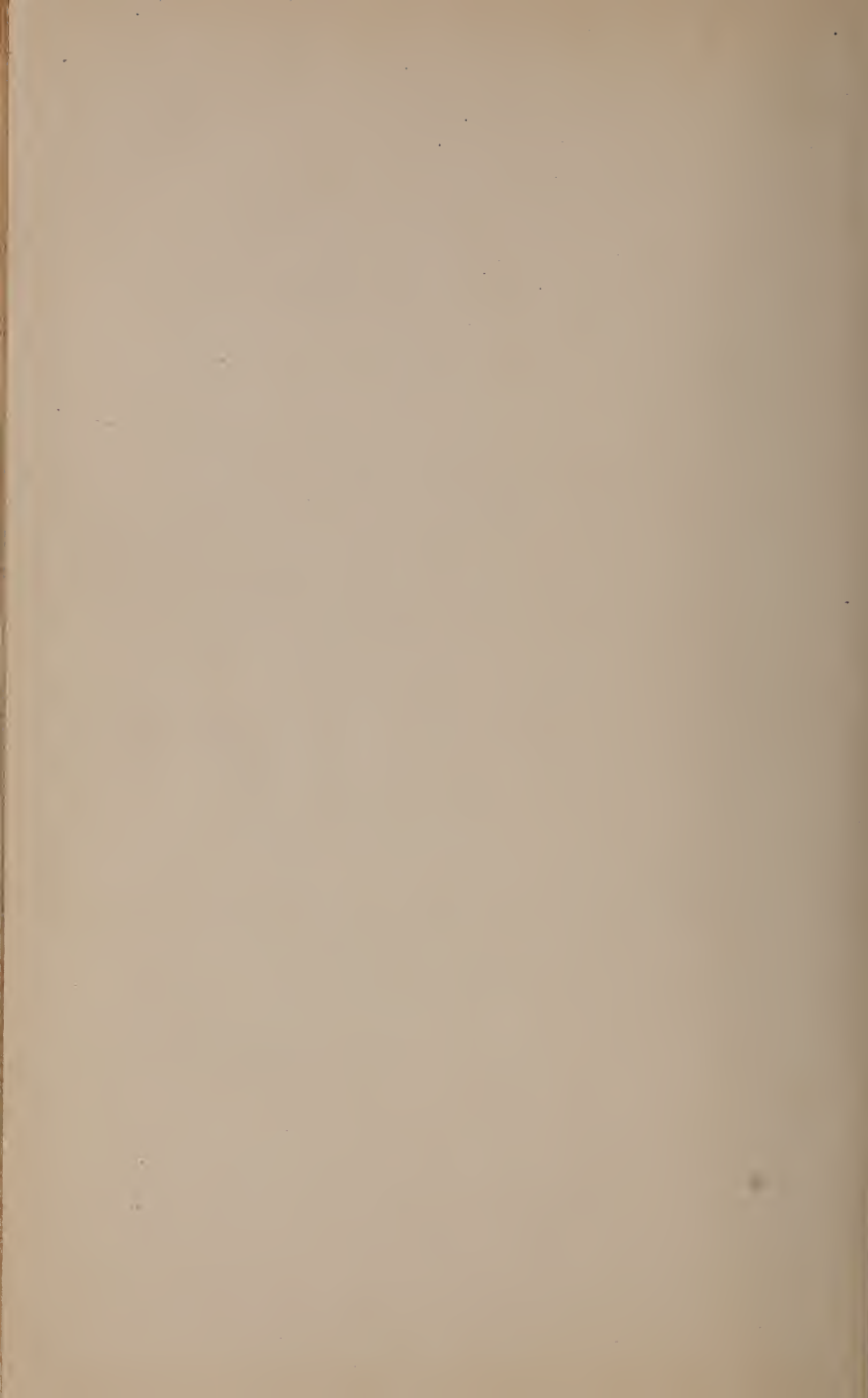
Definition of Bill of Attainder.....	66
of Bill of Credit.....	65
of Constitution.....	7-10
of ex post facto law.....	45
of Government.....	21
of to govern.....	18
of Habeas Corpus, writ of.....	45
of Law.....	11-13
of Law of the Land.....	12
of Marque and Reprisal, letters of.....	45
of Money Bills.....	40
of Sovereignty.....	10
of State.....	7
of Statute.....	13, 16
Delegates, from Territories to Congress.....	36
from the States to Congress.....	37, 38, 39, 40
Qualifications of.....	38, 40
Departments of Government, U. S.....	37-62
Executive.....	49-52
Judicial.....	52-63
Legislative.....	37-48
Direct Taxes.....	78
Distribution of Powers of Government.....	25
District of Columbia, authority governing.....	35
District Court, U. S.....	53, 54, 58
Divisions of the State.....	90
Election of President.....	81-86
Electoral College.....	83
Eminent Domain.....	68-74
Limitations on the power.....	72
Must be exercised for public purpose.....	70
Property subject to be taken.....	69
Right as belonging to national authority.....	70
The taking.....	71
What the right is.....	68
Executive Department, U. S.....	49-52
<i>Ex post facto</i> Law.....	13, 45
Family, government in the.....	18
A little State.....	19
Unit of communities.....	20

Forts, authority governing, U. S.	35
Govern, to, definition	18
Government, chief concern of	22
definition of	21
forms of	22
generally	18-28
powers of	24-33
of the U. S.	30-86
Habeas Corpus, writ of	45
House of Representatives, U. S.	37, 40
Impeachment, U. S. Officers	40n
Indirect taxes	78
Judicial Circuits, U. S.	53
Judicial Power, U. S.	52-63
Concurrent	55n
in Supreme Court, U. S.	57
Lands, ownership of unpatented, in territories	36
Law, <i>ex post facto</i>	13, 45
Definitions of	11
of the land	12
Penal	13
Retroactive	13
Retrospective	13
Legislative Department, government of U. S.	37-48
Liberty, civil	25
Political	26
Lighthouses, authority over	35
Marque, letters of	44, 64
Money Bills, definition of	40
Navy Yards, authority over	35
Obligations of Contracts, laws impairing	66
Officers of Congress	39, 41
Ordinance, definition of	14
Parliament, declared will of, final law	9
Act of takes effect	16
Penal Law, definition	13
Political Liberty	26
definition of	27
Powers, exercised by the sovereign authority	10
of Government	24

Powers, distribution of	25
of Government, U. S.	30-34
Preferred Creditor	74
President of U. S., third branch of Legislature	47
Death, resignation, etc.	51
Duties	50, 51
Election	50, 81-86
Executive power vested in	49
Salary	50
Privilege of Writ of Habeas Corpus	45
Public Revenues, U. S.	75-81
Representatives, house of, in Congress	37-40
Republican form of government, guaranteed the States	67
Resolution	14
Retroactive law	13
Retrospective law	13
Revenues, U. S.	75-81
Right, not recognized by Government, not available	23
Secretary of United States	50
Senate, Congress	40
Senators, United States	40
Sovereignty, definition of	10
Powers exercised by	10
State, definition of a	7
States, constitutional prohibitions upon	63
Statute, definition of	13
Opposed to Constitution, effect of	9
Takes effect when	16
Statutes, construction of	16
Provisions concerning enacting of	15
Supreme Court, U. S.	52, 58
Taxation, U. S.	75-81
Direct taxes	78
Indirect taxes	78
Power of	75
Restrictions upon power	77
Territory, over which Federal Authority extends	34
Territories, delegates from to Congress	36
Exclusive power of legislation over	35
Inhabitants of, participation in government	36

Territories, unpatented lands in, ownership	36
Treaty, alliance, confederation.....	63
United States Government.....	30-86
Departments of.....	37
Powers of, generally.....	30-33
Preferred creditor.....	74
Vice President, U. S., election.....	51
Vice President, Presiding officer of Senate, etc.....	40
When acts as President.....	40
Writ of Habeas Corpus.....	45
Written and Unwritten Constitutions.....	8





LIBRARY OF CONGRESS



0 027 272 291 2